



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 19]

शिमला, शनिवार, 16 जनवरी, 1971/26 पौष, 1892

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16 जनवरी, 1971/26 पौष, 1892 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'अमाधरण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. 14-7/66-Home, dated the 13th August, 1970.	Home Department	Authorising the carrying out of field firing and artillery practice by the Army authorities throughout the notified area in Kangra district.
No. 5-8/69-Coop. (S.), dated the 13th January, 1971	Co-operation Department	Notifying the date on which the Himachal Pradesh Co-operative Societies Act, 1958 (Act No. 3 of 1969) shall come into force.
No. 14-7/66-Home, dated the 11th January, 1971.	Home Department	Authorising the carrying out of field firing and artillery practice by the Army authorities throughout the notified area in Kangra district.

भाग 1—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के उप-राज्यपाल और हिमाचल बेंच ग्राफ देहली हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

देहली हाई कोर्ट

NOTIFICATION

Delhi, the 2nd January, 1971

No. 1 Genl. Oaths. In exercise of powers vested in them by section 139(b) of the Code of Civil Procedure (Act V of 1908), the Hon'ble the Chief Justice and Judges of the High Court of Delhi are pleased to appoint for a period of two years from the date of issue of this notification or until further orders of this Court, whichever be earlier, *Shri Bhawani Singh, Advocate, Himachal Bench of Delhi High Court, Simla*, as Oath Commissioner for administering Oaths and affirmations to deponents of affidavits under paragraph 5 of Chapter 12-B Punjab High Court Rules and Orders Volume IV (read with section 7 of Delhi High Court 1966) and subject to the conditions laid down in this Court's circular, dated the 4th August, 1967.

By order,
GURU DATTA,
Registrar.

हिमाचल प्रदेश सरकार

APPOINTMENT DEPARTMENT

NOTIFICATIONS

Simla-2, the 6th January, 1970

No. 10-2 68-Apptt. In exercise of the powers conferred by sub-paragraph (1) of paragraph 18 of the Himachal Pradesh (Courts) Orders, 1948, the Administrator (Lieutenant Governor), Himachal Pradesh in consultation with Delhi High Court is pleased to appoint *Shri K. C. Chauhan, Sub-Divisional Officer (Civil), Nichar, District Kinnaur* to be the Subordinate Judge, with immediate effect and further directs that:—

- under paragraph 21 of the said order, the pecuniary jurisdiction of the said officer to be exercised in original civil suits shall extend upto Rs. 2,000 (Rupees two thousand) only; and
- under paragraph 22 of the said order, the local limits of the jurisdiction of the said officer shall be the Nichar and Pooli Sub-Divisions of District Kinnaur.

PRAKASHI CHAND,
Joint Secretary.

Simla-2, the 6th January, 1971

No. 3-33 63-Apptt. On attaining the age of 58 years, *Shri Gobind Singh Mehta, Superintendent of Police, Himachal Pradesh* presently posted as Assistant Inspector General of Police, Himachal Pradesh, shall retire from Government service with effect from the afternoon of the 8th January, 1971.

K. N. CHANNA,
Chief Secretary.

AGRICULTURE DEPARTMENT

NOTIFICATION

Simla-4, the 10th December, 1970

No. 38-98 69-Agr.Sectt. In exercise of the powers vested in him under Article 98 of the Memorandum and

Articles of Association of the Himachal Pradesh Agro-Industries Corporation Ltd., the Lieutenant Governor, Himachal Pradesh is pleased to appoint *Shri M. M. Sahai Srivastava, Finance Secretary to the Government of Himachal Pradesh*, as Director of the Corporation vice *Shri P. R. Mahajan* transferred till further orders.

2. This is in partial modification of notification of even number, dated the 27th October, 1970.

P. K. MATTOO,
Secretary.

FINANCE DEPARTMENT

(REGULATION AND EXPENDITURE BRANCH-I) NOTIFICATIONS

Simla-2, the 5th January, 1971

No. 12-2/69-Fin.(R&E).—In exercise of the powers vested in him vide Rule 10A of the Delegation of Financial Powers Rules, 1958, the Lieutenant Governor, Himachal Pradesh is pleased to declare all the Deputy Commissioners in Himachal Pradesh as head of office and drawing and disbursing officers under head "71-Miscellaneous-I-Miscellaneous and Unforeseen Charges-I-15-Expenditure in connection with Election to local Bodies".

2. The Lieutenant Governor, in exercise of the powers vested in him under S.R. 191 read with serial No. 54 of Appendix 13 of P&T Compilation of Fundamental and Supplementary Rule Vol. III, is further pleased to declare them as Controlling Officers for T.A. purposes in respect of class III and IV staff of the Election Department posted in the respective districts.

Simla-2, the 5th January, 1971

No. 12-2/69-Fin (R&E).—In exercise of the powers vested in him under Supplementary Rule 2(10) read with item 43 of Appendix 14 of the P & T Compilation of the Fundamental and Supplementary Rules Volume-II, the Lieutenant Governor, Himachal Pradesh is pleased to declare the Director of Elections (Local Bodies), Himachal Pradesh, as head of Department and Controlling Officer under the head "71—Miscellaneous-I-Miscellaneous and Unforeseen Charges-I-15-Expenditure in connection with Election to Local Bodies".

By order,
M. M. SAHAI SRIVASTAVA,
Secretary.

FOREST DEPARTMENT

NOTIFICATIONS

Simla-4, the 5th January, 1971

No. 8-2/70-SF. Whereas the owners of the majority of share in the land specified in the following schedule have with a view to the conservation of forests thereon represented in writing to the Collector of Kangra district, that the said land may be managed on their behalf by the Himachal Pradesh Government as a protected forest on such terms as may be mutually agreed upon.

Now, therefore, the Lieutenant Governor of Himachal Pradesh in exercise of the powers conferred by section 38 of the Indian Forest Act, 1927, is pleased to declare that sections 30, 32 33, 34 and 68 of the said Act shall apply

to the land specified in the following schedule.

SCHEDULE

District: KANGRA Tehsil: HAMIRPUR

Tikka	Tappa	H.B. No.	Description of Khasra No.	Area in acres
<i>Period of closure.—15 years.</i>				
Muthwan Bihalan.	Kothehra	51	299 min, 300 301, 302, 303, min, 304 min, 306 and 307.	22
Dugneri	Bajuri	47	1616 to 1621 and 1626 to 1628.	45
Ghohal	Majhog-Sultani.	50	1129, 1164, 1165, 1180, 1360, 1361, 1363, 1369, 1370, 1373 to 1375, 1377 and 1379.	11
Pader	-do-	50	290 and 401/397.	25

Simla-4, the 6th January, 1971

No. 8-2/70-SF.—In pursuance of the provisions of clause (b) of section 30 of the Indian Forest Act, 1927, and all other powers enabling him in this behalf the Lieutenant Governor of Himachal Pradesh is pleased to declare that the land specified in the schedule appended to Himachal Pradesh Government Notification of even number, dated 5-1-1971 shall be closed for regeneration for a period of 15 years with effect from the date of this notification or for such shorter period as may be found sufficient and that the rights of private persons in or over the said land shall be suspended during the said period.

Simla-4, the 6th January, 1971

No. 8-2/70-SF.—In exercise of the powers conferred by sections 30 and 32 of the Indian Forest Act, 1927, which have been applied in the schedule appended to the Himachal Pradesh Government Notification of even number dated 5-1-1971 and all other powers enabling him in this behalf the Lieutenant Governor of Himachal Pradesh is pleased to direct that the following rules apply to the said land:—

RULES

1. No person shall cut, fell or lop any trees for any purpose whatsoever remove any forest produce, provided that subject to rule below 3 the owners may fell and remove trees, timber and other forest produce for their own domestic and agricultural purposes, in accordance with their recorded rights.
2. Subject to the approval of the Divisional Forest Officer, Hamirpur Forest Division, the owners may sell trees, provided that the trees have first been marked by the Divisional Forest Officer, Hamirpur Forest Division.
3. No living trees standing within 30 feet of the bank of any stream or torrent bed shall be felled for any purpose whatsoever.
4. No person shall herd, pasture, graze or retain sheep, goats, camels or other cattle on the land specified in the schedule annexed to Himachal Pradesh Government notification of even number, dated 5-1-1971.
5. No person shall clear or break up land for cultivation or other purposes, provided that if in the opinion

of the Divisional Forest Officer, Hamirpur Forest Division, the land is sufficiently protected from damage by flood and erosion, the owners may cultivate the land to the extent permitted by him.

6. No person shall cut or remove grass, provided that the owners may cut grass for their own use or allow its sale with the approval of and within the period allowed by the Divisional Forest Officer, Hamirpur Forest Division on the condition that grass is cut above ground with a *darati* only (date to be fixed to allow scattering of ripe grass seed).

7. No person shall set fire to grass, trees or timber, or kindle a fire on the land without taking reasonable precautions to prevent its spreadings.

8. The quarrying of stone or the burning of lime at places where such stone or lime has not ordinarily been so quarried or burnt prior to the publication of the said Government Notification shall be prohibited except with the permission of the Collector of the Kangra district who will consult the Divisional Forest Officer, Hamirpur Forest Division, before according such permission.

9. Income from composition of offences against these rules under section 68 of the Indian Forest Act, 1927, shall be credited to Government, provided that the Government may subject to appropriation made by law allow grant-in-aid to the owners to the extent of income derived from compounding of offences under these rules.

10. The owners shall appoint a Rakha or Rakhas whose duty will be to enforce the provisions of these rules. The appointment and dismissal of rakhas will be subject to the approval of the Divisional Forest Officer, Hamirpur Forest Division.

P. K. MATTOO.
Secretary.

HOME DEPARTMENT NOTIFICATION

Simla-2, the 4th January, 1971

No. 4-6/70-Home.—Whereas it appears to the Lieutenant Governor, Himachal Pradesh, that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Bridge Guard Hut at Shongtong, District Kinnaur, it is hereby declared that the land described in the specification below is required for the above purpose.

2. This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Kalpa, District Kinnaur.

SPECIFICATION

District: KINNAUR Tehsil: KALPA

Village	Khasra No.	Area Big. Bis.
YOWARANGI	548/1	0 4
	546/1	0 2
	624/601	0 4
	544/1	0 4
Total		0 14

By order,
K. N. CHANNA.
Chief Secretary.

HEALTH AND FAMILY PLANNING DEPARTMENT NOTIFICATIONS

Simla-2, the 5th January, 1971

No. 3-12 62-Med.—In exercise of the powers vested in him under F.R. 9(6)(b)(iv), the Lieutenant Governor, Himachal Pradesh is pleased to treat the period spent by Dr. S. L. Malhotra, G.D.O., Grade II, Medical Officer Health, Chamba, from 27-4-1969 to 30-4-1969 at Simla in compulsory waiting for obtaining orders of his posting as on duty.

2. This issues with the prior concurrence of Finance Department obtained vide their U.O. No. 6472, dated 26-11-1970.

Simla-2, the 5th January, 1971

No. 1-279/69-H&FP.—In accordance with the Government of India, Ministry of Health and Family Planning letter No. F. 12 (11)-15/69-CHSI, dated the 2nd December, 1970, the Lieutenant Governor, Himachal Pradesh is pleased to allow extension in service to Dr. Sardara Singh, G.D.O., Grade I of C.H.S. in public interest for a period of one year with effect from 25-3-1971 in the public interest.

Simla-2, the 7th January, 1971

No. 1-193/70-H&FP. The Lieutenant Governor, Himachal Pradesh is pleased to appoint Dr. Lalit Kumar Trehan as Civil Assistant Surgeon Grade I in the scale of Rs. 350-25-500-30-590/30-830-35-900 on *ad hoc* basis for a period of one year from 5-11-1970 (F.N.) or till the post is filled up in accordance with the Central Health Service Rules, whichever is earlier.

S. L. TALWAR,
Under Secretary.

PUBLIC WORKS DEPARTMENT NOTIFICATIONS

Simla-2, the 4th January, 1971

No. 9-33 70-PWD. Whereas it appears to the Lieutenant Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the construction of I.B. Building, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Lieutenant Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition, Kinnaur district, Kalpa.

SPECIFICATION

District: KINNAUR

Tehsil: POOH

Village	Khasra No.	Area Big. Bis.
NAMGIA	570/1/1	1 7

Simla-2, the 6th January, 1971

No. 2-39/70-PWD.—Whereas it appears to the Lieutenant Governor of Himachal Pradesh that the land is likely to be required to be taken by the Government at public expense for a public purpose, namely for construction and extension of in take Durehra Water Supply Scheme, it is hereby notified that the land in locality described below is likely to be required for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Lieutenant Governor of Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of any land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector Himachal Pradesh Public Works Department, Kangra.

SPECIFICATION

District: KANGRA

Tehsil: UNA

Village	Khasra No.	Area in acres
BUDHMANA	2332/2240, 1899	0.14

By order,
U. N. SHARMA,
Secretary.

REVENUE DEPARTMENT NOTIFICATIONS

Simla-2, the 4th January, 1971

No. 3-34/67-Revenue-II-Colonization.—In exercise of the powers conferred by sub-section (1) of section 3 of the Punjab New Mandi Townships (Development and Regulation) Act, 1960, (Act No. 2 of 1960) and all other powers enabling him in this behalf the Lieutenant Governor, Himachal Pradesh is pleased to declare the area mentioned in column 4 of the schedule given below, to be a new mandi township for the purposes of the said Act, which shall be known by the name specified in column 3 thereof:—

SCHEDULE

District: KANGRA

Tehsil: NURPUR

Name of the New Mandi Township	Khasra No.	Area K. M.
1	2	3 4
KANDRORI	149	15 3
	157	5 10
	147	21 6
	148	12 16
	158	2 15
	159	18 0
	160	13 1
	166	3 18
	168/1	7 4
	162	25 6
	164	12 7

1	2	3	4
	165	8	11
	163	3	16
	161	4	10
	167	2	19
	Total	157	2

Simla-2, the 4th January, 1971

No. 4-1/70-Colonization.—Whereas it appears to the Lieutenant Governor, Himachal Pradesh, the land as specified below is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely constructing of link road from railway crossing to Kandrori Railway Station in village Kandrori, Tehsil Nurpur, District Kangra, Himachal Pradesh, it is hereby notified that the said land is likely to be required for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Lieutenant Governor, Himachal Pradesh is

pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Land Acquisition Officer, Himachal Pradesh P.W.D., Kangra.

SPECIFICATION

District: KANGRA

Tehsil: NURPUR

Village	Khasra No.	Area K. M.
KANDRORI	135/1	0 19
	136/1	0 17
	Total	1 16

By order,
U. N. SHARMA,
Secretary.

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं

इत्यादि

OFFICE OF THE REGISTRAR, CO-OPERATIVE SOCIETIES (PRIMARY), CHAMBA, DISTRICT CHAMBA

ORDERS

Chamba, the 21st December, 1970

No. Co-op. 3-189/65.—Whereas 22 members out of total membership of 26 of the Diur Fruit Production-cum-Sale Co-operative Industrial Society Ltd., Diur, has passed a resolution on 1-7-1970, for the winding up of the aforesaid society.

2. I, O. P. Sudal, Registrar, Co-operative Societies, (Primary), Chamba in exercise of the powers conferred on me under section 103 of the Himachal Pradesh Co-operative Societies Act, 13 of 1956, read with Himachal Pradesh Government notification No. 10-106/60-Co-op., dated the 6th July, 1963, hereby order the winding up of the affairs of the Diur Fruit Production-cum-Sale Co-operative Industrial Society Ltd., Diur, Salooni Block, District Chamba.

Given under the seal and signatures of the undersigned to day the 21st day of December, 1970 (one thousand nine hundred and seventy) only.

Chamba, the 21st December, 1970

No. 3-189/65.—As order under section 103 of the Himachal Pradesh Co-operative Societies Act No. 13 of 1956, for winding up of the Diur Fruit Production-cum-Sale Industrial Co-operative Society Ltd., Diur, Post Office Diur, Tehsil Churah, District Chamba, Himachal Pradesh, therefore, in exercise of the powers conferred on me under section 104 of the Himachal Pradesh Co-operative Societies Act No. 13 of 1956, read with Himachal Pradesh Government notification No. 10-106/60-Co-op., dated the 15th November, 1967; hereby appoint Sub-Inspector, Co-operative Societies, Salooni, as liquidator of the said society.

Sub-Inspector, Co-operative Societies, Salooni appointed as liquidator of the aforesaid co-operative

society under this order is delegated all the powers under section 105(2) of the Himachal Pradesh Co-operative Societies Act. No. 13 of 1956.

Chamba, the 7th January, 1971

No. Co-op. 3-66/64-138-42.—Whereas the membership of the Salooni Middle School Co-operative Supply Store, Salooni has been reduced to 6 members only and whereas it is condition under section 6 of the Himachal Pradesh Co-operative Societies Act 13 of 1956 that no society shall be registered under the Act which does not consist of at least 10 members. Moreover, where the Store has ceased functioning for more than 18 months and there is no scope of its revival.

2. I, O. P. Sudal, District Co-operative and Supplies Officer, Chamba district, Chamba in exercise of the powers conferred on me under section 103(c)(ii) of Himachal Pradesh Co-operative Societies Act 13 of 1956 and rule 110(ii) of Himachal Pradesh Co-operative Societies Rules, 1960 read with Himachal Pradesh Government Notification No. 10-106/60-Co-op., dated the 6th July, 1963, hereby order the winding up of the affairs of the Salooni Middle School Co-operative Supply Store, Salooni Block, District Chamba, Himachal Pradesh.

Given under the seal and signatures of the undersigned to day theday of 1971 (One thousand nine hundred and seventy-one) only.

Chamba, the 7th January, 1971

No. Co-op. 12-173/63-167-71.—As ordered under section 103 of the Himachal Pradesh Co-operative Societies Act No. 13 of 1956, for winding up of the Government Girls Higher Secondary School Co-operative Store, Chamba, have been issued, I, O. P. Sudal, District Co-operative and Supplies Officer, Chamba District Chamba therefore, in exercise of the powers conferred on me under section 104 of Himachal Pradesh Co-operative Societies Act No. 13 of 1956, read with the Himachal Pradesh Government notification No. 10-106/60-Co-op., dated the

15th November, 1967, hereby appoint Inspector, Co-operative Societies, Chamba Sadar Block, as Liquidator of the said Government Girls Higher Secondary School Co-operative Store, Chamba, Tehsil and District Chamba with immediate effect.

Inspector, Co-operative Societies, Chamba Sadar Block, Chamba, appointed as liquidator of the aforesaid society under this order is delegated all the powers under section 105(2) of the Himachal Pradesh Co-operative Societies Act No. 13 of 1956.

O. P. SUDAL,
District Co-operative and Supplies Officer.

INDUSTRIES DEPARTMENT

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT

Chamba, the 5th January, 1971

No. Ind. Loan/67-3958-3. —Whereas a notice was served on Shri Sadhoo Singh s/o Shri Dhian Singh, resident of Mohalla Jansali, Chamba Town, District Chamba, Himachal Pradesh on 12-9-1968, under section 23 of the Punjab State Aid to Industries (Himachal Pradesh Amendment) Act, 1964, calling upon the said Shri Sadhoo Singh to pay to me the sum of Rs. 5,000 (Five thousand) only on or before 20-9-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 5,000 and interest thereon (up-to-date) is due from Shri Sadhoo Singh and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

Three-storeyed house consisting of 7 rooms and 4 kitchens and three verandahs comprising of Khasra Nos. 970, 971, 974 and 973 situated in Mohalla Jansali, Chamba Town.

V. P. SOOD,
District Industries Officer, Chamba.

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT

Bilaspur, the 5th January, 1971

No. UB(Loan)(Sanct.)/69-5396. —WHEREAS a notice was served on Shri Jagar Nath, Secretary, the Himachal Marketing and Supply Co-operative Society, Ltd., Auhar, Tehsil Ghumarwin, District Bilaspur on the 22nd December, 1966, under section 23 of the Punjab State Aid to Industries (Himachal Pradesh Amendment) Act, 1964, calling upon the said society to pay to me the sum of Rs. 615.25 on or before the 25-1-1967, and whereas the said sum has not been paid I hereby declare that the sum of Rs. 1250.00 as principal plus interest Rs. 238.35 upto 5-4-1968 and further interest will be charged till the date of payment is due from the said society and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets of the society and members as under rules.

Sd/-
Assistant District Industries Officer, Bilaspur.

PUBLIC WORKS DEPARTMENT

NOTIFICATIONS

Whereas it appears to the Lieutenant Governor of Himachal Pradesh that the land is required to be taken by

the Government at public expense for a public purpose*. It is hereby declared that the land described in the specification below is required for the said* purpose.

The declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Kangra is hereby directed to take order for the acquisition of the said land.

Plans of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Kangra.

No. PW-Irrig-Genl-4/69-II-12693-96.

Simla-1, the 6th January, 1971

*Construction of L.I.S. Bassa Waziran in Tehsil Nurpur

SPECIFICATION

District: KANGRA Tehsil: NURPUR

Village	Tikka	Khasra No.	Area K. M.
BHUGNARA	KANDI	43/3	1 5
		428/205	0 14
			1 19
		Total ..	or
			0.18 acre

No. PW-Irrig-Genl-4/69-II-12689-92.

Simla-1, the 6th January, 1971

*Construction of Lift Irrigation Scheme Kumani in Tehsil Nurpur.

SULLIALI SULLIALI	1/30, 55, 67, 68, 69, 71, 78, 81, 220, 4325/221, 4326/221, 4327/222, 225, 225/1, 907, 912, 913, 936, 906, 4321/951, 953, 954, 957, 960, 3727, 3743	10 15
		or say
		1.02 acres.

No. PW-Irrig-Genl-4/69-II-12685-88.

Simla-1, the 6th January, 1971

*Construction of Lift Irrigation Scheme Sukha-har in Tehsil Dehra

Tehsil: DEHRA		
NAGROTA	BASSA	377
		390
		1229/450/1
		2 8
		0 11
		0 8
		3 7
		or
		0.32 acres

NARENDRA NATH,
Superintending Engineer,
Irrigation Circle, H. P., P.W.D., Simla-1.

DIRECTORATE OF TRANSPORT NOTIFICATION

Simla-1, the 8th January, 1971

No. GM-2-22/69-(Acctt.).—In supersession of this office order of even number, dated the 23rd December, 1969,

exercise of the powers vested in me under rule the Delegation of Financial Powers Rules, 1958, I hereby declare the Deputy General Manager (Commercial), Himachal Government Transport, Simla in place of Legal-cum-Welfare Officer as Head of Office and Drawing and Disbursing Officer in respect of the expenditure under the following Major Heads with effect from 7th January, 1971 till further orders:—

(a) "57-Road and Water Transport Schemes—A-Road Transport—A-1-Direction."

(b) "114-Capital Outlay on Road and Water Transport Scheme."

(c) "96-Capital Outlay in Industrial and Economic Development Schemes."

2. He will also function as Controlling Officer for T.A. etc. in respect of Class III and IV employees in respect of the office of the Directorate of Transport.

U. S. SHRIVASTAV,
Director.

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के उप-राज्यपाल, हिमाचल बेंच आफ़ देहली हाई कोर्ट, फाइनैन्शियल कमिशनर तथा कमिशनर आफ़ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

शून्य

भाग 4—स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग

**PANCHAYATS DEPARTMENT
NOTIFICATION**

Simla, the 5th January, 1971

No. 4-2/70-Pnt.Sectr.—In exercise of the powers vested in him under rule 5 of the Punjab Village Common Lands (Regulation) Rules, 1964, the Lieutenant Governor, Himachal Pradesh is pleased to accord approval for the

exchange of Shamlat land comprised in Khasra No. 437 measuring 8 kanal 5 marlas situated in village Kamnala in Gram Panchayat Kamnala with the land comprised in Khasra No. 190 measuring 8 kanal 5 marlas situated in village Basa Hadyala in Gram Panchayat Basa Waziran in the public interest.

DWARKA PARSHAD,
Under Secretary.

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

अपराधन श्री नेत्र सिंह गांडिल, एम0 ए0, एल0 एन0 बी0

सोनियर सब-जज, महामु क्लैमेटन, शिमला-1

मुकदमा नं0 14/2 वाचन माल 1970

आज मिति 4-1-1971 को मेरे दम्बन व मुहर अदालत से जारी किया गया।

मुहर

N. S. SHANDIL,
Senior Sub-Judge.

Application under section 8(2) of the Hindu Minority and Guardianship Act praying that the petitioner be permitted to mortgage the share of the property of her minor son Rajinder Singh aged 14 years for the benefit of the minor.

श्रीमति गोपी देवी बेवा गट्टु, वासी बाग, परगना शलेवट, सब-तहसील कोटखाई

मायला।

बनाम

ग्राम जनना

मुदाला।

हरगाह जोकि श्रीमति गोपी देवी बेवा गट्टु, वासी बाग, परगना शलेवट, सब-तहसील कोटखाई, जिला महामु ने दरखास्त जेर दफा 8(2) of the Hindu Minority and Guardianship Act बाबत जायदाद, श्री राजिन्दर सिंह उमर 14 साल नाबालग गैर मनकूला Himachal Co-operative Mortgage Bank Ltd., शिमला के पास गिरवी मु0 10,000 रुपया रखने की आज्ञा दी जावे अतः इस घोषणा पत्र द्वारा सब जनता को सूचित किया जाता है कि यदि किसी को दरखास्त की मंजूरी बारे कोई उजर हो तो वह अदालत हज्जा में उपस्थित हो कर मिति 22-1-1971 को अपना उजर पेश करें वरना दरखास्त के मुत्तलक कानूनन फैसला किया जावेगा।

**STATE BANK OF PATIALA
NOTICE**

Patiala, the 1st January, 1971: 11th Pausa, 1892 (Saka)

No. S.B.O.P.3. — The following transfers and changes in the posting of Bank's staff are hereby notified:

1. Shri Amarjit Singh Sodhi, Junior Officer held charge of Palampur branch as from the close of business on 27th November, 1970 to the commencement of business on 30th November, 1970.
2. Shri H. C. Sofat, Junior Officer held charge of Palampur branch as from the close of business on 7th December, 1970 to the commencement of business on 21st December, 1970.
3. Shri R. P. Talwar, Junior Officer held charge of Hamirpur branch as from the close of business on 23rd October, 1970 to the close of business on 30th October, 1970.
4. Shri Ranpat Rai Jain, Junior Officer held charge of Nalagarh branch as from the close of business on 21st December, 1970 to the close of business on 23rd December, 1970.

K. SUBRAMANIAN,
General Manager.

THE SIMLA IMPROVEMENT TRUST, SIMLA
NOTICE UNDER SECTION 36 OF THE PUNJAB TOWN IMPROVEMENT ACT, 1922

Simla, the 26th December, 1970

No. SIT/Scheme-23 70-62.—NOTICE is hereby given that in accordance with Resolution No.3, passed in its meeting held on 29th July, 1970, the Simla Improvement Trust, Simla, has framed the following development scheme under section 24 read with section 28(2) of the Punjab Town Improvement Act, 1922, as made applicable to the newly merged areas of Himachl Pradesh:—

Name: South-East Longwood (Supplementary) Development Scheme.

Area: 952 square yards approximately.

BOUNDARY

North-East. Site of the Simla Improvement Trust Scheme No. 3 namely 'South-East of Longwood Development Scheme'.

South-East. Approach Road from Circular Road to Green Gate (Residence of Municipal Executive Officer).

South-West. Circular Road.

North-West. Upper Bharari Road (Road going towards Himachal Sessions Courts).

Full details of the scheme including statement of the lands to be acquired, and general maps of the locality, may be inspected at the office of the Trust, during office hours, on any working day.

Any person having an objection to the scheme, should forward it in writing to the Chairman, the Simla Improvement Trust, Simla-1, so as to reach him within 30 days of the first publication of the notice.

D. B. LAL,

Chairman,

The Simla Improvement Trust, Simla.

NOTICE UNDER SECTION 36 OF THE PUNJAB TOWN IMPROVEMENT ACT OF 1932

Simla, the 26th December, 1970

No. SIT/Scheme-24/70-66.—NOTICE is hereby given that in accordance with Resolution No. 3, passed in its meeting held on 29th July, 1970, the Simla Improvement Trust, Simla has framed the following housing development scheme under section 24 read with section 28(2) of the Punjab Town Improvement Act, 1922, as made applicable to the newly merged areas of Himachal Pradesh:—

Name of Scheme: West of Marina Hotel (Supplementary) Scheme.

Area: 1185 square yards approximately.

BOUNDARY

North: The Mall Road.

East: Site of Development Scheme No. 4 (West of Marina Hotel Development Scheme).

South: Lyndhurst Estate.

West: Hill slopes.

Full details of the scheme including statement of the lands to be acquired, and general maps of the locality, may be inspected at the office of the Trust, during office hours, on any working day.

Any person having an objection to the scheme, should forward it in writing to the Chairman, the Simla Improvement Trust, Simla-1 so as to reach him within 30 days of the first publication of the notice.

D. B. LAL,

Chairman,

The Simla Improvement Trust, Simla

भाग 6--भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

(देखिये पृष्ठ 55 से 87 तक)

भाग 7--भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनुरक्त

शून्य

PART VI

LAW DEPARTMENT NOTIFICATIONS

Simla-4, the 16th June, 1961

No. 1-7/61-LR.—The following Acts recently passed by the Parliament of India and published in the Gazette of India Extra-ordinary Part II, Section I, dated 19th May and 22nd May, 1961 respectively are hereby republished in the Himachal Pradesh Administration Rajptra for the information of general public:—

1. The Advocates Act, 1961 (No. 25 of 1961).
2. The Salar Jung Museum Act, 1961 (No. 26 of 1961).
3. The Motor Transport Workers Act, 1961 (No. 27 of 1961).
4. The Dowry Prohibition Act, 1961 (No. 28 of 1961).

S. R. MAHANTAN,
Under Secretary (Judicial).

Assented to on 10-5-1961

THE ADVOCATES ACT, 1961

(Act No. 25 of 1961)

AN ACT

to amend and consolidate the law relating to legal practitioners and to provide for the constitution of Bar Councils and an All-India Bar.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Advocates Act, 1961.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. Definitions.—In this Act, unless the context otherwise requires,—

- (a) "advocate" means an advocate entered in any roll under the provisions of this Act;
- (b) "appointed day", in relation to any provision of this Act, means the day on which that provision comes into force;
- (c) "attorney" includes a solicitor;
- (d) "Bar Council" means a Bar Council constituted under this Act;
- (e) "Bar Council of India" means the Bar Council constituted under section 4 for the territories to which this Act extends;
- (f) "common roll" means the common roll of advocates prepared and maintained by the Bar Council of India under section 20;
- (g) "High Court" except in sub-section (1) of section 34 and in sections 42 and 43, does not include a court of the Judicial Commissioner, and, in relation to a State Bar Council, means,—
 - (i) in the case of a Bar Council constituted for a State or for a State and one or more Union territories, the High Court for the State;
 - (ii) in the case of the Bar Council constituted for Delhi, the High Court of Punjab;

(h) "law graduate" means a person who has obtained a bachelor's degree in law from any University established by law in India;

(i) "legal practitioner" means an advocate, vakil or attorney of any High Court, a pleader, mukhtar or revenue agent;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "roll" means a roll of advocates prepared and maintained under this Act;

(l) "State" does not include a Union territory;

(m) "State Bar Council" means a Bar Council constituted under section 3;

(n) "State roll" means a roll of advocates prepared and maintained by a State Bar Council under section 17.

CHAPTER II

BAR COUNCILS

3. State Bar Councils.—(1) There shall be a Bar Council—

- (a) for each of the States of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Madras, Maharashtra, Mysore, Orissa, Rajasthan and Uttar Pradesh, to be known as the Bar Council of that State;
- (b) for the State of Assam and the Union territory of Manipur, to be known as the Bar Council of Assam;
- (c) for the State of Kerala and the Union territory of Laccadive, Minicoy and Amindivi Islands, to be known as the Bar Council of Kerala;
- (d) for the State of Punjab and the Union territory of Himachal Pradesh, to be known as the Bar Council of Punjab;
- (e) for the State of West Bengal and the Union territories of Tripura and the Andaman and Nicobar Islands, to be known as the Bar Council of West Bengal; and
- (f) for the Union territory of Delhi, to be known as the Bar Council of Delhi.

(2) A State Bar Council shall consist of the following members, namely:—

- (a) in the case of the State Bar Council of Delhi, the Additional Solicitor-General of India, *ex-officio*; and in the case of any other State Bar Council, the Advocate-General of the State, *ex-officio*;
- (b) in the case of the Bar Council of Assam, the Bar Council of Orissa and the Bar Council of Delhi, fifteen members and in every other case, twenty members, elected in accordance with the system of proportional representation by means of the single transferable vote from amongst advocates on the roll of the State Bar Council.

(3) There shall be a Chairman and a Vice-Chairman of each State Bar Council elected by the Council in such manner as may be prescribed.

4. Bar Council of India.—(1) There shall be a Bar Council for the territories to which this Act extends to be known as the Bar Council of India which shall consist of the following members, namely:—

- (a) the Attorney-General of India, *ex-officio*;
- (b) the Solicitor-General of India, *ex-officio*;
- (c) one member elected by each State Bar Council from amongst its members.

(2) There shall be a Chairman and a Vice-Chairman of the Bar Council of India elected by the Council in such manner as may be prescribed.

5. *Bar Council to be body corporate.*—Every Bar Council shall be a body corporate having perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and to contract, and may by the name by which it is known sue and be sued.

6. *Functions of State Bar Councils.*—(1) The functions of a State Bar Council shall be

- (a) to admit persons as advocates on its roll;
- (b) to prepare and maintain such roll;
- (c) to entertain and determine cases of misconduct against advocates on its roll;
- (d) to safeguard the rights, privileges and interests of advocates on its roll;
- (e) to promote and support law reform;
- (f) to manage and invest the funds of the Bar Council;
- (g) to provide for the election of its members;
- (h) to perform all other functions conferred on it by or under this Act;
- (i) to do all other things necessary for discharging the aforesaid functions.

(2) A State Bar Council may constitute a fund in the prescribed manner for the purpose of giving financial assistance to indigent or disabled advocates.

7. *Functions of Bar Council of India.*—The functions of the Bar Council of India shall be—

- (a) to prepare and maintain a common roll of advocates;
- (b) to lay down standards of professional conduct and etiquette for advocates;
- (c) to lay down the procedure to be followed by its disciplinary committee and the disciplinary committee of each State Bar Council;
- (d) to safeguard the rights, privileges and interests of advocates;
- (e) to promote and support law reform;
- (f) to deal with and dispose of any matter arising under this Act, which may be referred to it by a State Bar Council;
- (g) to exercise general supervision and control over State Bar Councils;
- (h) to promote legal education and to lay down standards of such education in consultation with the Universities in India imparting such education and the State Bar Councils;
- (i) to recognise Universities whose degree in law shall be a qualification for enrolment as an advocate and for that purpose to visit and inspect Universities;
- (j) to manage and invest the funds of the Bar Council;
- (k) to provide for the election of its members;
- (l) to perform all other functions conferred on it by or under this Act;
- (m) to do all other things necessary for discharging the aforesaid functions.

8. *Term of office of members of Bar Council.*—The term of office of the elected members of a Bar Council shall be six years, but as nearly as possible one-third of the members first elected to each such Council shall retire on the expiration of every second year in the prescribed manner, and the vacancies so caused shall be filled by the election of new members in the prescribed manner.

9. *Disciplinary committees.*—(1) A State Bar Council shall constitute one or more disciplinary committees, each of which shall consist of five persons of whom three shall be persons elected by the Council from amongst its members and two shall be persons elected by the Council from amongst advocates on its roll who are not members of the Council.

(2) The Bar Council of India shall constitute a

disciplinary committee consisting of five persons of whom three shall be persons elected by the Council from amongst its members and two shall be persons elected by the Council from amongst advocates on the common roll who are not members of the Council.

10. *Constitution of committees other than disciplinary committees.*—(1) A State Bar Council shall constitute the following standing committees, namely:—

- (a) an executive committee consisting of five members elected by the Council from amongst its members;
- (b) an enrolment committee consisting of three members elected by the Council from amongst its members.

(2) The Bar Council of India shall constitute the following standing committees, namely:—

- (a) an executive committee consisting of nine members elected by the Council from amongst its members;
- (b) a legal education committee consisting of ten members, of whom five shall be persons elected by the Council from amongst its members and five shall be persons co-opted by the Council who are not members thereof.

(3) A State Bar Council and the Bar Council of India may constitute from amongst its members such other committees as it may deem necessary for the purpose of carrying out the provisions of this Act.

11. *Staff of Bar Council.*—(1) Every Bar Council shall appoint a secretary and may appoint an accountant and such number of other persons on its staff as it may deem necessary.

(2) The secretary and the accountant, if any, shall possess such qualifications as may be prescribed.

12. *Accounts and audit.*—(1) Every Bar Council shall cause to be maintained such books of accounts and other books in such form and in such manner as may be prescribed.

(2) The accounts of a Bar Council shall be audited by auditors duly qualified to act as auditors of companies under the Companies Act, 1956 (1 of 1956), at such times and in such manner as may be prescribed.

(3) As soon as the accounts of a State Bar Council have been audited, that Bar Council shall send a copy of such accounts together with a copy of the report of the auditors thereon, to the Bar Council of India.

13. *Vacancies in Bar Councils and committees thereof not to invalidate action taken.*—No act done by a Bar Council or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Council or committee, as the case may be.

14. *Election to Bar Councils not to be questioned on certain grounds.*—No election of a member to a Bar Council shall be called in question on the ground merely that due notice thereof has not been given to any person entitled to vote thereat, if notice of the date has, not less than thirty days before that date, been published in the Official Gazette.

15. *Power to make rules.*—(1) A Bar Council may make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the manner in which the election of members of the Bar Council shall be held and the manner in which results of elections shall be published;
- (b) in the case of a State Bar Council, the constitution of a fund for giving financial assistance to indigent or disabled advocates;

- (c) the manner of election of the Chairman and the Vice-Chairman of the Bar Council;
- (d) the manner in which and the authority by which doubts and disputes as to the validity of an election to the Bar Council or to the office of the Chairman or Vice-Chairman shall be finally decided;
- (e) the manner in which the order of retirement by rotation of the members of the Bar Council shall be determined;
- (f) the filling of casual vacancies in the Bar Council;
- (g) the powers and duties of the Chairman and the Vice-Chairman of the Bar Council;
- (h) the summoning and holding of meetings of the Bar Council, the times and places where such meetings are to be held, the conduct of business thereat, and the number of members necessary to constitute a quorum;
- (i) the constitution and functions of any committee of the Bar Council and the term of office of members of any such committee;
- (j) the summoning and holding of meetings, the conduct of business of any such committee, and the number of members necessary to constitute a quorum;
- (k) the qualifications and the conditions of service of the secretary, the accountant and other employees of the Bar Council;
- (l) the maintenance of books of accounts and other books by the Bar Council;
- (m) the appointment of auditors and the audit of the accounts of the Bar Council;
- (n) the management and investment of the funds of the Bar Council.

(3) No rules made under this section by a State Bar Council shall have effect unless they have been approved by the Bar Council of India.

CHAPTER III

ADMISSION AND ENROLMENT OF ADVOCATES

16. Senior and other advocates.—(1) There shall be two classes of advocates, namely, senior advocates and other advocates.

(2) An advocate may, with his consent, be designated as senior advocate if the Supreme Court or a High Court is of opinion that by virtue of his ability, experience and standing at the Bar he is deserving of such distinction.

(3) Senior advocates shall, in the matter of their practice, be subject to such restrictions as the Bar Council of India may, in the interests of the legal profession, prescribe.

(4) An advocate of the Supreme Court who was a senior advocate of that Court immediately before the appointed day shall, for the purposes of this section, be deemed to be a senior advocate.

17. State Bar Councils to maintain roll of advocates.—

(1) Every State Bar Council shall prepare and maintain a roll of advocates in which shall be entered the names and addresses of—

- (a) all persons who were entered as advocates on the roll of any High Court under the Indian Bar Council Act, 1926 (38 of 1926), immediately before the appointed day and who, within the prescribed time, express an intention in the prescribed manner to practise within the jurisdiction of the Bar Council;
- (b) all other persons who are admitted to be advocates on the roll of the State Bar Council under this Act on or after the appointed day.

(2) Each such roll of advocates shall consist of two parts, the first part containing the names of senior advocates and the second part, the names of other advocates.

(3) Entries in each part of the roll of advocates prepared and maintained by a State Bar Council under this section shall be in the order of seniority, and such seniority shall be determined as follows:—

- (a) the seniority of an advocate referred to in clause (a) of sub-section (1) shall be determined in accordance with his date of enrolment under the Indian Bar Councils Act, 1926 (38 of 1926);
- (b) the seniority of any person who was a senior advocate of the Supreme Court immediately before the appointed day shall, for the purposes of the first part of the State roll, be determined in accordance with such principles as the Bar Council of India may specify;
- (c) notwithstanding anything contained in clause (a), the seniority of a vakil, pleader or an attorney who was enrolled as an advocate immediately before the appointed day, or who is enrolled as an advocate after that day, shall be determined in accordance with the date of his entry in the register of vakils, pleaders or attorneys, as the case may be;
- (d) the seniority of any other person who, on or after the appointed day, is enrolled as a senior advocate or is admitted as an advocate shall be determined by the date of such enrolment or admission, as the case may be.

(4) No person shall be enrolled as an advocate on the roll of more than one State Bar Council.

18. Transfer of name from one State roll to another.

(1) Notwithstanding anything contained in section 17, any person whose name is entered as an advocate on the roll of any State Bar Council may make an application in the prescribed form to the Bar Council of India for the transfer of his name from the roll of that State Bar Council to the roll of any other State Bar Council and, on receipt of any such application the Bar Council of India shall direct that the name of such person shall, without the payment of any fee, be removed from the roll of the first mentioned State Bar Council and entered in the roll of the other State Bar Council and the State Bar Councils concerned shall comply with such direction.

(2) For the removal of doubts it is hereby declared that where on an application made by an advocate under sub-section (1), his name is transferred from the roll of one State Bar Council to that of another, he shall retain the same seniority in the latter roll to which he was entitled in the former roll.

19. State Bar Councils to send copies of rolls of advocates to the Bar Council of India.—Every State Bar Council shall send to the Bar Council of India an authenticated copy of the roll of advocates prepared by it for the first time under this Act and shall thereafter communicate to the Bar Council of India all alterations in, and additions to, any such roll, as soon as the same have been made.

20. Common roll of advocates. (1) The Bar Council of India shall prepare and maintain a common roll of advocates which shall comprise the entries made in all State rolls and shall include the names of all advocates entitled as of right to practise in the Supreme Court immediately before the appointed day whose names are not entered in any State roll.

(2) The common roll of advocates shall consist of two parts, the first part containing the names of senior advocates, and the second part, the names of other advocates.

(3) Entries in each part of the common roll shall be in the order of seniority and such seniority shall be determined as follows:—

(a) the seniority of an advocate enrolled in a State roll shall be determined in accordance with his seniority in that roll;

(b) the seniority of any person who was a senior advocate of the Supreme Court immediately before the appointed day and whose name is not entered in any State roll shall, for the purposes of the first part of the common roll, be determined in accordance with such principles as the Bar Council of India may specify in this behalf;

(c) the seniority of any person who was an advocate (but not a senior advocate) of the Supreme Court immediately before the appointed day and whose name is not entered in any State roll shall, for the purposes of the second part of the common roll, be determined in accordance with the date of his enrolment as an advocate of the Supreme Court.

(4) There shall be entered in the common roll of advocates all alterations and additions communicated to the Bar Council of India under section 19 by a State Bar Council.

21. Disputes regarding seniority.—(1) Where the date of seniority of two or more persons is the same, the one senior in age shall be reckoned as senior to the other.

(2) Subject as aforesaid, if any dispute arises with respect to the seniority of any person, it shall be referred,—

(a) if the dispute relates to seniority in a State roll, to the State Bar Council;

(b) if the dispute relates to seniority in the common roll, to the Bar Council of India;

and the decision of the State Bar Council or the Bar Council of India, as the case may be, in respect of such dispute shall be final.

22. Certificate of enrolment.—There shall be issued a certificate of enrolment in the prescribed form to every person whose name is entered in any roll of advocates maintained under this Act.

23. Right of pre-audience.—(1) The Attorney-General of India shall have pre-audience over all other advocates.

(2) Subject to the provisions of sub-section (1), the Solicitor-General of India shall have pre-audience over all other advocates.

(3) Subject to the provisions of sub-sections (1) and (2), the Additional Solicitor-General of India shall have pre-audience over all other advocates.

(4) Subject to the provisions of sub-sections (1), (2) and (3), the Advocate-General of any State shall have pre-audience over all other advocates, and the right of pre-audience among Advocates-General *inter se* shall be determined by their respective seniority.

(5) Subject as aforesaid—

(i) senior advocates shall have pre-audience over other advocates, and

(ii) the right of pre-audience of senior advocates *inter se* and other advocates *inter se* shall be determined by their respective seniority.

24. Persons who may be admitted as advocates on a State roll. (1) Subject to the provisions of this Act, and the rules made thereunder, a person shall be qualified

to be admitted as an advocate on a State roll, if he fulfils the following conditions, namely:—

(a) he is a citizen of India;

Provided that subject to the other provisions contained in this Act, a national of any other country may be admitted as an advocate on a State roll, if citizens of India, duly qualified, are permitted to practise law in that other country;

(b) he has completed the age of twenty-one years;

(c) he has obtained a degree in law—

(i) before the appointed day, from any University in the territory of India; or

(ii) before the 15th day of August, 1947, from any University in any area which was comprised before that date within India as defined by the Government of India Act, 1935; or

(iii) after the appointed day, from any University in the territory of India or elsewhere, if the degree is recognised for the purposes of this Act by the Bar Council of India; or

he is a barrister;

(d) he has undergone a course of training in law and passed an examination after such training both of which shall be prescribed by the State Bar Council;

Provided that this clause shall not apply to—

(i) a barrister who has received practical training in England or a person who has obtained a degree in law from any University in India before the appointed day;

(ii) any person who has for at least two years held a judicial office in the territory of India or is a member of the Central Legal Service;

(iii) any person who has for at least two years held a judicial office in any area which was comprised before the 15th day of August, 1947, within India as defined in the Government of India Act, 1935, or has been an advocate of any High Court in any such area;

(iv) any person who has practised before any High Court and who has discontinued practice by reason of his taking up employment under the Government, a local authority or any other person; and

(v) any other class of persons who by reason of their legal training or experience are declared by the Bar Council of India to be exempt from the provisions of this clause;

(e) he fulfils such other conditions as may be specified in the rules made by the State Bar Council under this Chapter;

(f) he has paid an enrolment fee of two hundred and fifty rupees to the State Bar Council.

(2) Notwithstanding anything contained in sub-section (1), a vakil, pleader or an attorney who is a law graduate, or who is not a law graduate but was entitled to be enrolled as an advocate of a High Court immediately before the appointed day under any law then in force, may be admitted as an advocate on a State roll if he—

(a) makes an application for such enrolment in accordance with the provisions of this Act, not later than two years from the appointed day; and

(b) fulfils the conditions specified in clauses (a), (b), (e) and (f) of sub-section (1).

25. Authority to whom applications for enrolment may be made.—An application for admission as an advocate shall be made in the prescribed form to the State

Bar Council within whose jurisdiction the applicant proposes to practise.

26. Disposal of applications for admission as and advocate.—(1) A State Bar Council shall refer every application for admission as an advocate to its enrolment committee, and subject to the provisions of sub-sections (2) and (3), such committee shall dispose of the application in the prescribed manner.

(2) Where the enrolment committee of a State Bar Council proposes to refuse any such application, it shall refer the application for opinion to the Bar Council of India and every such reference shall be accompanied by a statement of the grounds in support of the refusal of the application.

(3) The enrolment committee of a State Bar Council shall dispose of any application referred to the Bar Council of India under sub-section (2) in conformity with the opinion of the Bar Council of India.

27. Application once refused not to be entertained by another Bar Council except in certain circumstances.—Where a State Bar Council has refused the application of any person for admission as an advocate on its roll, no other State Bar Council shall entertain an application for admission of such person as an advocate on its roll, except with the previous consent in writing of the State Bar Council which refused the application and of the Bar Council of India.

28. Power to make rules.—(1) A State Bar Council may make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the time within which and the manner in which an intention to practise within the jurisdiction of the Bar Council shall be expressed;
- (b) a course of practical training in law and the examination to be passed after such training for admission as an advocate on the roll of the Bar Council;
- (c) the form in which an application shall be made to the Bar Council for admission as an advocate on its roll and the manner in which such application shall be disposed of by the enrolment committee of the Bar Council;
- (d) the conditions subject to which a person may be admitted as an advocate on any such roll;
- (e) the instalments in which the enrolment fee may be paid.

(3) No rules made under this Chapter shall have effect unless they have been approved by the Bar Council of India.

CHAPTER IV

RIGHT TO PRACTISE

29. Advocates to be the only recognised class of persons entitled to practise law.—Subject to the provisions of this Act and any rules made thereunder, there shall, as from the appointed day, be only one class of persons entitled to practise the profession of law, namely, advocates.

30. Right of advocates to practise.—Subject to the provisions of this Act, every advocate whose name is entered in the common roll shall be entitled as of right to practise throughout the territories to which this Act extends,—

- (i) in all courts including the Supreme Court;
- (ii) before any tribunal or person legally authorised to take evidence; and

(iii) before any other authority or person before whom such advocate is by or under any law for the time being in force entitled to practise.

31. Special provision for attorneys.—Notwithstanding anything contained in sections 29 and 30, the High Court at Calcutta or the High Court at Bombay may provide for the admission of proper persons to be attorneys and shall have power to remove or to suspend from practice on reasonable cause, any such attorney.

32. Power of court to permit appearances in particular cases.—Notwithstanding anything contained in this Chapter, any court, authority or person may permit any person, not enrolled as an advocate under this Act, to appear before it or him in any particular case.

33. Advocates alone entitled to practise.—Except as otherwise provided in this Act or in any other law for the time being in force, no person shall, on or after the appointed day, be entitled to practise in any court or before any authority or person unless he is enrolled as an advocate under this Act.

34. Power of High Courts to make rules.—(1) The High Court may make rules laying down the conditions subject to which an advocate shall be permitted to practise in the High Court and the courts subordinate thereto.

(2) Without prejudice to the provisions contained in sub-section (1), the High Court at Calcutta and the High Court at Bombay may make rules—

- (i) providing for the qualification and admission of proper persons to be attorneys;
- (ii) declaring what shall be deemed to be the functions, powers and duties of such attorneys and the procedure to be followed in removing or suspending any such attorney from practice;
- (iii) determining the persons who shall be entitled respectively to plead and to act in the High Court in the exercise of its original jurisdiction.

(3) Until rules are made under this section, any rules made by a High Court under its Letters Patent or any other law relating to any of the matters specified in this section which were in force immediately before the appointed day, shall continue in force so far as consistent with this Act, and shall be deemed to be rules made under this section.

CHAPTER V

CONDUCT OF ADVOCATES

35. Punishment of advocates for misconduct.—(1) Where on receipt of a complaint or otherwise a State Bar Council has reason to believe that any advocate on its roll has been guilty of professional or other misconduct, it shall refer the case for disposal to its disciplinary committee.

(2) The disciplinary committee of a State Bar Council, if it does not summarily reject the complaint, shall fix a date for the hearing of the case and shall cause a notice thereof to be given to the advocate concerned and to the Advocate-General of the State.

(3) The disciplinary committee of a State Bar Council after giving the advocate concerned and the Advocate-General an opportunity of being heard, may make any of the following orders, namely:—

- (a) dismiss the complaint or, where the proceedings were initiated at the instance of the State Bar Council, direct that the proceedings be filed;
- (b) reprimand the advocate;
- (c) suspend the advocate from practice for such period as it may deem fit;

(d) remove the name of the advocate from the State roll of advocates.

(4) Where an advocate is suspended from practice under clause (c) of sub-section (3), he shall, during the period of suspension, be debarred from practising in any court or before any authority or person in India.

(5) Where any notice is issued to the Advocate-General under sub-section (2), the Advocate-General may appear before the disciplinary committee of the State Bar Council either in person or through any advocate appearing on his behalf.

36. *Disciplinary powers of Bar Council of India.*—

(1) Where on receipt of a complaint or otherwise the Bar Council of India has reason to believe that any advocate on the common roll whose name is not entered on any State roll has been guilty of professional or other misconduct, it shall refer the case for disposal to its disciplinary committee.

(2) Notwithstanding anything contained in this Chapter, the disciplinary committee of the Bar Council of India may, of its own motion, withdraw for inquiry before itself any proceedings for disciplinary action against any advocate pending before the disciplinary committee of any State Bar Council and dispose of the same.

(3) The disciplinary committee of the Bar Council of India, in disposing of any case under this section, shall observe, so far as may be, the procedure laid down in section 35, the references to the Advocate-General in that section being construed as references to the Attorney-General of India.

(4) In disposing of any proceedings under this section the disciplinary committee of the Bar Council of India may make any order which the disciplinary committee of a State Bar Council can make under sub-section (3) of section 35, and where any proceedings have been withdrawn for inquiry before the Bar Council of India, the State Bar Council concerned shall give effect to any such order.

37. *Appeal to the Bar Council of India.*—(1) Any person aggrieved by an order of the disciplinary committee of a State Bar Council made under sub-section (3) of section 35 may, within sixty days of the date of the communication of the order to him, prefer an appeal to the Bar Council of India.

(2) Every such appeal shall be heard by the disciplinary committee of the Bar Council of India which may pass such order thereon as it deems fit.

38. *Appeal to the Supreme Court.* Any person aggrieved by an order made by the disciplinary committee of the Bar Council of India under section 36 or section 37 may, within sixty days of the date on which the order is communicated to him, prefer an appeal to the Supreme Court and the Supreme Court may pass such order thereon as it deems fit.

39. *Application of sections 5 and 12 of the Indian Limitation Act.* The provisions of sections 5 and 12 of the Indian Limitation Act, 1908 (9 of 1908), shall, so far as may be, apply to appeals under section 37 and section 38.

40. *Stay of order.* An appeal, made under section 37 or section 38, shall not operate as a stay of the order appealed against, but the disciplinary committee of the Bar Council of India, or the Supreme Court, as the case may be, may, for sufficient cause, direct the stay of such order on such terms and conditions as it may deem fit.

41. *Alteration in roll of advocates.*—(1) Where an order is made under this Chapter reprimanding or suspen-

ding an advocate, a record of the punishment shall be entered against his name—

(a) in the case of an advocate whose name is entered in a State roll, in that roll;

(b) in the case of an advocate whose name is entered in the common roll and not in any State roll, in the common roll;

and where any order is made removing an advocate from practice, his name shall be struck off the State roll or the common roll, as the case may be.

(2) Where in respect of any advocate a record of punishment is entered in a State roll or where the name of an advocate is struck off any such roll, a record of such punishment shall also be entered in the common roll, or, as the case may be, his name shall be struck off the common roll.

(3) Where any advocate is suspended or removed from practice, the certificate granted to him under section 22, in respect of his enrolment shall be recalled.

42. *Powers of disciplinary committee.*—(1) The disciplinary committee of a Bar Council shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring discovery and production of any documents;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copies thereof from any court or office;

(e) issuing commissions for the examination of witnesses or documents;

(f) any other matter which may be prescribed;

Provided that no such disciplinary committee shall have the right to require the attendance of—

(a) any presiding officer of a court except with the previous sanction of the High Court to which such court is subordinate;

(b) any officer of a revenue court except with the previous sanction of the State Government.

(2) All proceedings before a disciplinary committee of a Bar Council shall be deemed to be judicial proceedings within the meaning of section 193 and 228 of the Indian Penal Code, (45 of 1860) and every such disciplinary committee shall be deemed to be a civil court for the purposes of sections 480, 482 and 485 of the Code of Criminal Procedure, 1898 (5 of 1898).

(3) For the purposes of exercising any of the powers conferred by sub-section (1), a disciplinary committee may send to any civil court in the territories to which this Act extends, any summons or other process, for the attendance of a witness or the production of a document required by the committee or any commission which it desires to issue, and the civil court shall cause such process to be served or such commission to be issued, as the case may be, and may enforce any such process as if it were a process for attendance or production before itself.

43. *Cost of proceedings before a disciplinary committee.*—The disciplinary committee of a Bar Council may make such order as to the costs of any proceedings before it as it may deem fit and any such order shall be executable as if it were an order—

(a) in the case of an order of the disciplinary committee of the Bar Council of India, of the Supreme Court;

(b) in the case of an order of the disciplinary committee of a State Bar Council, of the High Court.

44. *Review of orders by disciplinary committee.*—The disciplinary committee of a Bar Council may of its own motion or otherwise review any order passed by it under this Chapter:

Provided that no such order of review of the disciplinary committee of a State Bar Council shall have effect unless it has been approved by the Bar Council of India.

CHAPTER VI

MISCELLANEOUS

45. *Penalty for persons illegally practising in courts and before other authorities.*—Any person who practises in any court or before any authority or person, in or before whom he is not entitled to practise under the provisions of this Act, shall be punishable with imprisonment for a term which may extend to six months.

46. *Payment of part of enrolment fees to the Bar Council of India.*—Every State Bar Council shall, before the thirtieth day of April in each financial year, pay to the Bar Council of India a sum equivalent to forty per cent of the total of the enrolment fees realised by it under this Act during the financial year immediately preceding that year.

47. *Reciprocity.*—(1) Where any country, specified by the Central Government in this behalf by notification in the Official Gazette, prevents citizens of India from practising the profession of law or subjects them to unfair discrimination in that country, no subject of any such country shall be entitled to practise the profession of law in India.

(2) Subject to the provisions of sub-section (1), the Bar Council of India may prescribe the conditions, if any, subject to which foreign qualifications in law obtained by persons other than citizens of India shall be recognised for the purpose of admission as an advocate under this Act.

48. *Indemnity against legal proceedings.*—No suit or other legal proceeding shall lie against any Bar Council or any committee thereof or a member of a Bar Council for any act in good faith done or intended to be done in pursuance of the provisions of this Act or of any rules made thereunder.

49. *General power of the Bar Council of India to make rules.*—The Bar Council of India may make rules for discharging its functions under this Act, and, in particular, such rules may prescribe—

- (a) the manner in which the name of an advocate may be prevented from being entered in more than one State roll;
- (b) the form in which an application shall be made for the transfer of the name of an advocate from one State roll to another;
- (c) the standards of professional conduct and etiquette to be observed by advocates;
- (d) the standards of legal education to be observed by Universities in India and the inspection of Universities for that purpose;
- (e) the foreign qualifications in law obtained by persons other than citizens of India which shall be recognised for the purpose of admission as an advocate under this Act;
- (f) the procedure to be followed by the disciplinary committee of a State Bar Council and by its own disciplinary committee;
- (g) the restrictions in the matter of practice to which senior advocates shall be subject;
- (h) the fees which may be levied in respect of any matter under this Act;

(i) general principles for guidance of State Bar Councils:

Provided that no rules made with reference to clause (e) shall have effect unless they have been approved by the Central Government.

50. *Repeal of certain enactments.*—(1) On the date on which a State Bar Council is constituted under this Act the provisions of sections 3 to 7 (inclusive), sub-sections (1), (2) and (3) of section 9, section 15 and section 20 of the Indian Bar Councils Act, 1926 (38 of 1926), shall stand repealed in the territory for which the State Bar Council is constituted.

(2) On the date on which Chapter III comes into force, the following shall stand repealed, namely:

- (a) sections 6, 7, 18 and 37 of the Legal Practitioners Act, 1879, (18 of 1879) and so much of sections 8, 9, 16, 17, 19 and 41 of that Act as relate to the admission and enrolment of legal practitioner;
- (b) sections 3, 4 and 6 of the Bombay Pleaders Act, 1920 (Bombay Act 17 of 1920);
- (c) so much of section 8 of the Indian Bar Councils Act, 1926 (38 of 1926), as relates to the admission and enrolment of legal practitioners;
- (d) the provisions of the Letters Patent of any High Court and of any other law in so far as they relate to the admission and enrolment of legal practitioners.

(3) On the date on which Chapter IV comes into force, the following shall stand repealed, namely:—

- (a) sections 4, 5, 10 and 20 of the Legal Practitioners Act, 1879, (18 of 1879), and so much of sections 8, 9, 19 and 41 of that Act as confer on legal practitioners the right to practise in any court or before any authority or person;
- (b) sections 5, 7, 8 and 9 of the Bombay Pleaders Act, 1920 (Bombay Act 17 of 1920);
- (c) section 14 of the Indian Bar Councils Act, 1926 (38 of 1926), and so much of sections 8 and 15 of that Act as confer on legal practitioners the right to practise in any court or before any authority or person;
- (d) the Supreme Court Advocates (Practice in High Courts) Act, 1951 (18 of 1951);
- (e) the provisions of the Letters Patent of any High Court and of any other law conferring on legal practitioners the right to practise in any court or before any authority or person.

(4) On the date on which Chapter V comes into force, the following shall stand repealed, namely:—

- (a) sections 12 to 15 (inclusive), sections 21 to 24 (inclusive) and sections 39 and 40 of the Legal Practitioners Act, 1879 (18 of 1879), and so much of sections 16, 17 and 41 of that Act as relate to the suspension, removal or dismissal of legal practitioners;
- (b) sections 24 to 27 (inclusive) of the Bombay Pleaders Act, 1920 (Bombay Act 17 of 1920);
- (c) sections 10 to 13 (inclusive) of the Indian Bar Councils Act, 1926 (38 of 1926);
- (d) the provisions of the Letters Patent of any High Court and of any other law in so far as they relate to the suspension, removal or dismissal of legal practitioners.

(5) When the whole of this Act has come into force—

- (a) the remaining provisions of the Acts referred to in this section which do not stand repealed by virtue of any of the foregoing provisions of this section

(except sections 1, 3 and 36 of the Legal Practitioners Act, 1879) (18 of 1879), shall stand repealed:

(b) the enactments specified in the Schedule shall stand repealed to the extent mentioned therein.

51. *Rule of construction.* On and from the appointed day, references in any enactment to an advocate enrolled by a High Court in any form of words shall be construed as references to an advocate enrolled under this Act.

52. *Saving.* Nothing in this Act shall be deemed to affect the power of the Supreme Court to make rules under article 145 of the Constitution

(a) for laying down the conditions subject to which a senior advocate shall be entitled to practise in that Court;

(b) for determining the persons who shall be entitled to act in that Court.

CHAPTER VII

TEMPORARY AND TRANSITIONAL PROVISIONS

53. *Elections to first State Bar Council.*—Notwithstanding anything contained in this Act, the elected members of a State Bar Council, constituted for the first time under this Act, shall be elected by and from amongst advocates, vakils, pleaders and attorneys who, on the date of the election, are entitled as of right to practise in the High Court and are ordinarily practising within the territory for which the Bar Council is to be constituted.

Explanation.—Where the territory for which the Bar Council is to be constituted includes a Union territory, the expression "High Court" shall include the Court of the Judicial Commissioner of that Union territory.

54. *Term of office of members of first Bar Council of India and State Bar Councils.*—Notwithstanding anything contained in this Act, the term of office of the nominated and elected members of the Bar Council of India and a State Bar Council constituted for the first time, shall be two years from the date of the first meeting of the Council.

55. *Rights of certain existing legal practitioners not affected.*—Notwithstanding anything contained in this Act,

(a) every pleader or vakil practising as such immediately before the date on which Chapter IV comes into force (hereinafter in this section referred to as the said date) by virtue of the provisions of the Legal Practitioners Act, 1879 (18 of 1879), the Bombay Pleaders Act, 1920 (Bombay Act 17 of 1920), or any other law who does not elect to be, or is not qualified to be, enrolled as an advocate under this Act;

(b) every attorney practising as such immediately before the said date by virtue of the provisions of the Legal Practitioners Act, 1879, (18 of 1879), or any other law who does not elect to be, or is not qualified to be, enrolled as an advocate under this Act;

(c) every mukhtar and revenue agent practising as such immediately before the said date by virtue of the provisions of the Legal Practitioners Act, 1879 (18 of 1879), or any other law; shall, notwithstanding the repeal by this Act of the relevant provisions of the Legal Practitioners Act, 1879 (18 of 1879), the Bombay Pleaders Act, 1920; (Bombay Act 17 of 1920), or other law, continue to enjoy the same rights as respects practice in any court or revenue office or before any authority or person and be subject to the disciplinary jurisdiction of the same authority which he enjoyed or, as the case may be, to which he was subject

immediately before the said date and accordingly the relevant provisions of the Acts or law aforesaid shall have effect in relation to such persons as if they had not been repealed.

56. *Dissolution of existing Bar Councils.*—(1) On the constitution under this Act of a State Bar Council, other than the Bar Council of Delhi (hereinafter referred to as the new Bar Council)—

(a) all properties and assets vesting in the corresponding Bar Council shall vest in the new Bar Council;

(b) all rights, liabilities, and obligations of the corresponding Bar Council, whether arising out of any contract or otherwise, shall be the rights, liabilities and obligations respectively of the new Bar Council;

(c) all proceedings pending before the corresponding Bar Council in respect of any disciplinary matter or otherwise shall stand transferred to the new Bar Council.

(2) In this section, "corresponding Bar Council" in relation to a State Bar Council, other than the Bar Council of Delhi, means the Bar Council for the High Court in the territory for which the State Bar Council is constituted under this Act.

57. *Power to make rules pending the constitution of a Bar Council.*—Until a Bar Council is constituted under this Act, the power of that Bar Council to make rules under this Act shall be exercised—

(a) in the case of the Bar Council of India, by the Supreme Court;

(b) in the case of a State Bar Council, by the High Court.

THE SCHEDULE

[See section 50 (5)]

REPEAL OF CERTAIN ENACTMENTS

Short title	Extent of repeal
1. The Legal Practitioners (Women) Act, 1923 (23 of 1923).	The whole.
2. The Legal Practitioners (Fees) Act, 1926 (21 of 1926).	The whole.
3. The States Reorganisation Act, 1956 (37 of 1956).	Section 53.
4. The Bombay Reorganisation Act, 1960 (11 of 1960).	Section 31.

Assented to on 19-5-61.

THE SALAR JUNG MUSEUM ACT, 1961

(Act No. 26 of 1966)

AN
ACT

to declare the Salar Jung Museum together with the Salar Jung Library at Hyderabad to be an institution of national importance and to provide for its administration and certain other connected matters.

Be it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Salar Jung Museum Act, 1961.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Declaration of Salar Jung Museum together with Salar Jung Library as an institution of national importance.*—It is hereby declared that the Salar Jung Museum together with the Salar Jung Library at Hyderabad in the State of Andhra Pradesh is an institution of national importance.

3. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "Board" means the Board established under section 4;
- (b) "Chairman" means the Chairman of the Board;
- (c) "Fund" means the fund referred to in section 19;
- (d) "member" means a member of the Board and includes the Chairman;
- (e) "museum" means the Salar Jung Museum together with the Salar Jung Library, declared to be an institution of national importance under this Act;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "State Government" means the Government of Andhra Pradesh.

CHAPTER II

SALAR JUNG MUSEUM BOARD

4. *Establishment and incorporation of the Board.*—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established for the purposes of this Act a Board to be known as the Salar Jung Museum Board.

(2) The Board shall be a body corporate with the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may by that name sue and be sued.

(3) Notwithstanding anything contained in sub-section (2), the Board shall not, except with the previous approval of the Central Government sell or otherwise dispose of any article or thing specified in Part I or Part II of the Schedule.

5. *Composition of the Board.*—(1) The Board shall consist of the following persons, namely:—

- (a) the Governor of Andhra Pradesh, *ex-officio* Chairman;
- (b) the Secretary to the Government of India in the Ministry concerned with matters relating to the museum, *ex-officio*;
- (c) the Mayor of the Corporation of Hyderabad, *ex-officio*;
- (d) the Vice-Chancellor of the Osmania University, *ex-officio*;
- (e) the Accountant General, Andhra Pradesh, *ex-officio*;
- (f) a person to be nominated by the Central Government, who shall be a member of the family of the late Nawab Salar Jung Bahadur who died on the 2nd day of March, 1949;
- (g) three persons to be nominated by the Central Government who shall as far as possible be persons having knowledge of, and experience in, matters relating to the administration of museums and libraries;
- (h) two persons to be nominated by the State Government.

(2) Every nomination under this section shall take effect as soon as it is notified by the Central Government in the Official Gazette.

6. *Term of office.*—(1) The term of office of nominated members shall be such as may be prescribed.

(2) Any nominated member may resign his office by giving notice in writing to the Central Government, and on such resignation being notified by the Central Government in the Official Gazette, shall be deemed to have vacated his office.

(3) A casual vacancy created by the resignation of a nominated member under sub-section (2) or for any other reason may be filled by fresh nomination.

(4) An outgoing member shall be eligible for re-nomination.

7. *Temporary absence of member.*—(1) If any nominated member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his office, the Central Government or the State Government, as the case may be, may nominate another person to act in his place during his absence.

(2) No act of the Board shall be invalid merely by reason of—

- (a) any vacancy in, or defect in the constitution of, the Board, or
- (b) any defect in the nomination of a person acting as a member thereof, or
- (c) any irregularity in its procedure not affecting the merits of the case.

8. *Duty of Government nominating persons, etc.*—(1) Before nominating a person to be a member of the Board, the Central Government or the State Government, as the case may be, shall satisfy itself that the person will have no such financial or other interest as is likely to affect prejudicially the exercise or performance by him of his functions as a member of the Board, and the Central Government or the State Government, as the case may be, shall also satisfy itself from time to time with respect to every member of the Board nominated by it that he has no such interest; and any person who is or whom the Central Government or the State Government as the case may be, proposes to nominate, and who has consented to be, a member of the Board shall, whenever requested by the Central or State Government so to do, furnish to it such information as that Government considers necessary for the performance by it of its duties under this sub-section.

(2) A nominated member who is in any way, directly or indirectly, interested in a contract made, or proposed to be made, by the Board shall, as soon as possible, after relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Board and the disclosure shall be recorded in the minutes of the Board and the member shall not take any part after the disclosure in any deliberation or decision of the Board with respect to that contract.

9. *Meeting of the Board.*—(1) The Board shall meet at such times and places and shall, subject to the provisions of sub-sections (2), (3) and (4), observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations made under this Act.

(2) The Chairman, or in his absence, any member chosen by the members present from among themselves, shall preside at a meeting of the Board.

(3) If any of the members referred to in clauses (b), (c), (d) and (e) of section 5 is unable to attend any meeting of the Board, he may, with the previous approval of the Chairman, authorise any person in writing to do so.

(4) All questions at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the

Chairman, or in his absence, the member presiding shall have a second or casting vote.

10. *Temporary association of persons with the Board for particular purposes.*—(1) The Board may associate with itself in such manner and for such purposes as may be provided by regulations made under this Act any person whose assistance or advice it may desire in performing any of its functions under this Act.

(2) A person associated with it by the Board under sub-section (1) for any purpose shall have the right to take part in the discussions of the Board relating to that purpose, but shall not by virtue of this section be entitled to vote.

11. *Authentication of orders and other instruments of the Board.* All orders and decisions of the Board shall be authenticated by the signature of the Chairman or any other member authorised by the Board in this behalf, and all other instruments issued by the Board shall be authenticated by the signature of an officer of the Board authorised in like manner in this behalf.

12. *Staff of the Board.* (1) Subject to the provisions of sub-section (2), the Board may, for the purpose of enabling it efficiently to perform its functions under this Act, appoint such number of officers and other employees as it may think fit.

(2) The recruitment and conditions of service of such officers and employees shall be such as may be provided by regulations made under this Act.

13. *Transfer of service of existing employees to the Board.* Subject to the provisions of this Act, every person employed in the museum immediately before the date of establishment of the Board shall, on and from such date, become an employee of the Board with such designation as the Board may determine and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions as he would have held the same on such date if the Board had not been established and shall continue to do so unless and until his employment in the Board is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Board.

Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Central Government.

14. *Location of museum.*—The museum shall be located at Hyderabad.

CHAPTER III

FUNCTIONS OF THE BOARD

15. *Duties of the Board.*—(1) It shall be the general duty of the Board to manage the museum efficiently and to plan, promote, organise and implement programmes for the development of the museum and to perform such other functions as the Central Government may from time to time assign to the Board.

(2) In particular, and without prejudice to the generality of the foregoing provision, the Board may take such steps as it thinks fit—

- (a) for providing for instruction and research in matters relating to museums and libraries and for the advancement of learning and dissemination of knowledge in such matters; and
- (b) to do all such other things as may be necessary for the discharge of its functions under this Act.

16. *Powers of the Board.*—(1) Subject to such conditions and restrictions as the Central Government may

think fit to impose, the Board may exercise all such powers as may be necessary or expedient for the purpose of carrying out its duties under this Act.

(2) Subject to such regulations as may be made by the Board in this behalf, the Board may, from time to time,—

- (a) purchase or otherwise acquire such articles or things as may, in the opinion of the Board, be worthy of preservation in the museum; or
- (b) exchange, sell, or destroy any such article or thing as is purchased or acquired under clause (a); or
- (c) lend within India any article or thing specified in Part I or Part II of the Schedule, or lend, whether within or without India, any such article or thing as is purchased or acquired under clause (a).

CHAPTER IV

FINANCE, ACCOUNTS, AUDIT AND REPORTS

17. *Vesting of property.*—The properties specified in Parts I, II and III of the Schedule, being properties which by virtue of the decree passed in C.S. No. 13 of 1958 on the file of the High Court of Andhra Pradesh vested absolutely in the Central Government, shall, on and from the date of the establishment of the Board, vest in the Board.

18. *Grants by Central Government to the Board.*—For the purpose of enabling the Board to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Board in each financial year such sums of money as that Government considers necessary by way of grant, loan or otherwise.

19. *Fund of the Board.*—(1) The Board shall maintain a Fund to which shall be credited—

- (a) all moneys paid by the Central Government;
- (b) all fees and other charges levied under this Act;
- (c) all moneys received by the Board by way of grant, gift, donation, benefaction, bequest, subscription, contribution or transfer;
- (d) all other moneys received by the Board in any other manner or from any other source.

(2) The Board may expend such sums as it thinks fit for performing its functions under this Act and such sums shall be treated as expenditure payable out of the Fund.

(3) A sum of money not exceeding such amount as may be provided by regulations made under this Act may be kept in current account with any scheduled bank as defined in section 2 of the Reserve Bank of India Act, 1934 (2 of 1934) or any other bank approved by the central Government in this behalf, but any moneys in excess of that sum shall be deposited in the Reserve Bank of India or with the agents of the Reserve Bank of India or invested in such manner as may be approved by the Central Government.

20. *Budget.*—(1) The Board shall, by such date in each year as may be specified by the Central Government, submit to it for approval a budget for the next financial year in the form specified by it, showing the estimated receipts and expenditure, and the sums which would be required from the Central Government during the next financial year.

(2) If any sum granted by the Central Government remains wholly or partly unspent in any financial year, the unspent sum may be carried forward to the next financial year and taken into account in determining the sum to be provided by the Central Government for that year.

(3) Subject to the provisions of sub-section (4), no sum shall be expended by or on behalf of the Board,

unless the expenditure is covered by provision in the budget approved by the Central Government.

(4) Subject to such conditions and restrictions as the Central Government may think fit to impose, the Board may sanction any re-appropriation from one head of expenditure to another or from a provision made for one purpose to that for another purpose.

21. Accounts and audit.—(1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as may be specified, and in accordance with such general directions as may be issued by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Board shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Board shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Board, and the museum.

(4) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government.

22. Returns and reports.—(1) The Board shall furnish to the Central Government at such time and in such form and in such manner as the Central Government may direct, such returns, statements and particulars as the Central Government may from time to time require.

(2) Without prejudice to the provisions of sub-section (1), the Board shall, as soon as possible after the commencement of each financial year, submit to the Central Government within such time as may be specified by the Central Government a report giving a true and full account of the activities of the Board during the previous financial year and an account of the activities likely to be undertaken during the current financial year.

CHAPTER V

MISCELLANEOUS

23. Power of Central Government to issue directions to the Board.—(1) In the discharge of its functions under this Act, the Board shall be bound by such directions on question of policy as the Central Government may give to it from time to time:

Provided that the Board shall be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

24. Delegation of powers and duties.—The Board may, by general or special order in writing, direct that all or any of the powers or duties which may be exercised or discharged by it shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged also by any member, officer or employee of the Board specified in this behalf in the order.

25. Officers and employees of the Board to be public servants.—All officers and employees of the Board shall, when acting or purporting to act, in pursuance of the provisions of this Act or of any rule or regulation made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

26. Protection of action taken under Act.—No suit, prosecution or other legal proceeding shall lie against the Board or any member, officer or employee of the Board for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or regulation made thereunder.

27. Power of Central Government to make Rules.—(1) The Central Government may, after consultation with the Board, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- the term of office of, and the manner of filling casual vacancies among, the members nominated under clauses (f), (g) and (h) of sub-section (1) of section 5;
- the travelling and other allowances payable to a member other than the Chairman;
- the disqualifications for membership of the Board and the procedure to be followed in removing a member who is or becomes subject to any disqualification;
- the conditions subject to which, and the mode in which, contracts may be entered into by or on behalf of the Board;
- the fees to be levied for admission to the museum;
- any other matter which has to be, or may be, prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

28. Power of Board to make regulations.—(1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations, not inconsistent with this Act and the rules made thereunder, for enabling it to discharge its functions under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- the conditions and restrictions subject to which articles and things vested in the Board may be given on loan;
- the recruitment and conditions of service of officers and employees of the Board;
- the time and place of meetings of the Board, the procedure to be followed in regard to the transaction of business at such meetings and the quorum necessary for the transaction of business at a meeting;

- (d) the maintenance of minutes of meetings of the Board and the transmission of copies thereof to the Central Government;
- (e) the appointment of sub-committees, or the association of persons by the Board, for the purpose of assisting or advising it in performing its functions under this Act;
- (f) the persons by whom, and the manner in which, payments, deposits and investments may be made on behalf of the Board;
- (g) the maximum amount that may be kept in the current account;
- (h) the maintenance of registers and accounts;
- (i) the compilation of catalogues and inventories of the books, manuscripts and other articles and things in the museum;
- (j) the steps to be taken for the preservation of the books, manuscripts and other articles and things in the museum;
- (k) the general management of the museum;
- (l) the fees to be levied for purposes other than admission to the museum;
- (m) any other matter in respect of which provision is, in the opinion of the Board, necessary for the performance of its functions under this Act.

(3) The Central Government may, after consultation with the Board, by notification in the Official Gazette, amend, vary or rescind any regulation which it has approved; and thereupon the regulation shall have effect accordingly, but without prejudice to the exercise of the powers of the Board under sub-sections (1) and (2).

THE SCHEDULE

(See section 17)

PART I

All the antiques, curios, cabinets, works of art, statues, paintings, furniture and all other articles, included in the list marked 'A' annexed to the compromise petition dated the 2nd day of December, 1958 filed in C.S. No. 13 of 1958 in the High Court of Andhra Pradesh, in terms of which a decree was passed in that suit on the 5th day of March, 1959.

PART II

The entire library including books, qatas and manuscripts in all languages whether printed or hand written on paper or other material, included in the list marked 'B' annexed to the said compromise petition.

PART III

The land admeasuring about 28,390 sq. yds. described and delineated in the plan marked 'C' annexed to the said compromise petition.

Assented to on 20-5-61

THE MOTOR TRANSPORT WORKERS ACT, 1961 (ACT No. 27 OF 1961)

AN ACT

to provide for the welfare of motor transport workers and to regulate the conditions of their work.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. *Short title, extent, commencement and application.*—(1) This Act may be called the Motor Transport Workers Act, 1961.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date, not being later than the 31st day of March, 1962, as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States.

(4) It applies to every motor transport undertaking employing five or more motor transport workers:

Provided that the State Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply all or any of the provisions of this Act to any motor transport undertaking employing less than five motor transport workers.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "adolescent" means a person who has completed his fifteenth year but has not completed his eighteenth year;
- (b) "adult" means a person who has completed his eighteenth year;
- (c) "child" means a person who has not completed his fifteenth year;
- (d) "day" means a period of twenty-four hours beginning at midnight;

Provided that where a motor transport worker's duty commences before midnight but extends beyond midnight, the following day for him shall be deemed to be the period of twenty-four hours beginning when such duty ends, and the hours he has worked after midnight shall be counted in the previous day;

- (e) "employer" means, in relation to any motor transport undertaking, the person who, of the authority which, has the ultimate control over the affairs of the motor transport undertaking, and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent or by any other name, such other person;
- (f) "hours of work" means the time during which a motor transport worker is at the disposal of the employer or of any other person entitled to claim his services and includes—

- (i) the time spent in work done during the running time of the transport vehicle;
- (ii) the time spent in subsidiary work; and
- (iii) periods of mere attendance at terminals of less than fifteen minutes;

Explanation.—For the purposes of this clause—

- (1) "running time" in relation to a working day means the time from the moment a transport vehicle starts functioning at the beginning of the working day until the moment when the transport vehicle ceases to function at the end of the working day, excluding any time during which the running of the transport vehicle is interrupted for a period exceeding such duration as may be prescribed during which period the persons who drive, or perform any other work in connection with the transport vehicle are free to dispose of their time as they please or are engaged in subsidiary work;
- (2) "subsidiary work" means work in connection with a transport vehicle, its passengers or its load which is done outside the running time of the transport vehicle, including in particular—

- (i) work in connection with accounts, the paying in of cash, the signing of registers, the handing in of service sheets, the checking of tickets and other similar work;
- (ii) the taking over and garaging of the transport vehicle;
- (iii) travelling from the place where a person signs on to the place where he takes over the transport vehicle and from the place where he leaves the transport vehicle to the place where he signs off;
- (iv) work in connection with the upkeep and repair of the transport vehicle; and
- (v) the loading and unloading of the transport vehicle;
- (3) "period of mere attendance" means the period during which a person remains at his post solely in order to reply to possible calls or to resume action at the time fixed in the duty schedule;
- (g) "motor transport undertaking" means a motor transport undertaking engaged in carrying passengers or goods or both by road for hire or reward, and includes a private carrier;
- (h) "motor transport worker" means a person who is employed in a motor transport undertaking directly or through an agency, whether for wages or not, to work in a professional capacity on a transport vehicle or to attend to duties in connection with the arrival, departure, loading or unloading of such transport vehicle and includes a driver, conductor, cleaner, station staff, line checking staff, booking clerk, cash clerk, depot clerk, time-keeper, watchman or attendant, but except in section 8 does not include—
 - (i) any such person who is employed in a factory as defined in the Factories Act, 1948 (63 of 1948);
 - (ii) any such person to whom the provisions of any law for the time being in force regulating the conditions of service of persons employed in shops or commercial establishments apply;
- (i) "prescribed" means prescribed by rules made under this Act;
- (j) "qualified medical practitioner" means a person having a certificate granted by an authority specified in the Schedule to the Indian Medical Degrees Act, 1916 (7 of 1916), or notified under section 3 of that Act or specified in the Schedules to the Indian Medical Council Act, 1956 (102 of 1956), and includes any person having a certificate granted under any provincial or State Medical Council Act;
- (k) "spread-over" means the period between the commencement of duty on any day and the termination of duty on that day;
- (l) "wages" has the meaning assigned to it in clause (vi) of section 2 of the Payment of Wages Act, 1936 (4 of 1936);
- (m) "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night;
- (n) all other words and expressions used but not defined in this Act and defined in the Motor Vehicles Act, 1939 (4 of 1939), shall have the meanings respectively assigned to them in that Act.

CHAPTER II

REGISTRATION OF MOTOR TRANSPORT UNDERTAKINGS

3. *Registration of motor transport undertaking.*—(1) Every employer of a motor transport undertaking to which

this Act applies shall have the undertaking registered under this Act.

(2) An application for the registration of a motor transport undertaking shall be made by the employer to the prescribed authority in such form and within such time as may be prescribed.

(3) Where a motor transport undertaking is registered under this Act, there shall be issued to the employer a certificate of registration containing such particulars as may be prescribed.

CHAPTER III

INSPECTING STAFF

4. *Chief inspector and inspectors.*—(1) The State Government may, by notification in the Official Gazette, appoint for the State a duly qualified person to be the chief inspector and as many duly qualified persons to be inspectors subordinate to the chief inspector as it thinks fit.

(2) The chief inspector may declare the local limits within which inspectors shall exercise their powers under this Act, and may himself exercise the powers of an inspector within such local limits as may be assigned to him by the State Government.

(3) The chief inspector and all inspectors shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

5. *Powers of the inspectors.* (1) Subject to such conditions and restrictions as the State Government may by general or special order impose, the chief inspector or an inspector may—

- (a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act or rules made thereunder are being observed in the case of any motor transport undertaking, and for that purpose require the driver of a transport vehicle to cause the transport vehicle to stop and remain stationary so long as may reasonably be necessary;
- (b) with such assistance, if any, as he thinks fit, enter, inspect and search any premises which he has reason to believe is under use or occupation of any motor transport undertaking at any reasonable time for the purpose of carrying out the objects of this Act;
- (c) examine any motor transport worker employed in a motor transport undertaking or require the production of any register or other document maintained in pursuance of this Act, and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act;
- (d) seize or take copy of such registers or documents or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by an employer;
- (e) exercise such other powers as may be prescribed;

Provided that no person shall be compelled under this sub-section to answer any question or make any statement tending to incriminate himself.

(2) The provisions of the Code of Criminal Procedure, 1898 (5 of 1898), shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code.

6. *Facilities to be afforded to inspectors.*—Every employer shall afford the chief inspector and an inspector all reasonable facilities for making any entry, inspection, examination or inquiry under this Act.

7. *Certifying surgeons.*—(1) The State Government may appoint qualified medical practitioners to be *certifying surgeons* for the purposes of this Act within such local limits or for such motor transport undertakings or class of motor transport undertakings as it may assign to them respectively.

(2) The certifying surgeon shall perform such duties as may be prescribed in connection with—

- (a) the examination and certification of motor transport workers;
- (b) the exercise of such medical supervision as may be prescribed where adolescents are, or are to be, employed as motor transport workers in any work in any motor transport undertaking which is likely to cause injury to their health.

CHAPTER IV

WELFARE AND HEALTH

8. *Canteens.*—(1) The State Government may make rules requiring that in every place wherein one hundred motor transport workers or more employed in a motor transport undertaking ordinarily call on duty during every day, one or more canteens shall be provided and maintained by the employer for the use of the motor transport workers.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for

- (a) the date by which the canteens shall be provided;
- (b) the number of canteens that shall be provided and the standards in respect of construction, accommodation, furniture and other equipment of the canteens;
- (c) the foodstuffs which may be served therein and the charges which may be made therefor;
- (d) the constitution of a managing committee for a canteen and the representation of the motor transport workers in the management of the canteen.

(3) The State Government may, subject to such conditions as it may impose, delegate to the chief inspector the power to make rules with reference to clause (c) of sub-section (2).

9. *Rest rooms.*—(1) In every place wherein motor transport workers employed in a motor transport undertaking are required to halt at night, there shall be provided and maintained by the employer for the use of those motor transport workers such number of rest rooms or such other suitable alternative accommodation, as may be prescribed.

(2) The rest rooms or the alternative accommodation to be provided under sub-section (1) shall be sufficiently lighted and ventilated and shall be maintained in a clean and comfortable condition.

(3) The State Government may prescribe the standards in respect of construction, accommodation, furniture and other equipment of rest rooms or the alternative accommodation to be provided under this section.

10. *Uniforms.*—(1) The State Government may, by notification in the Official Gazette, make rules requiring an employer of a motor transport undertaking to provide for the drivers, conductors and line checking staff employed in that undertaking such number and type of uniforms, raincoats or other like amenities for their protection from rain or cold as may be specified in the rules.

(2) There shall be paid to the drivers, conductors and line checking staff by the employer an allowance for

washing of uniforms provided under sub-section (1) at such rates as may be prescribed:

Provided that no such allowance shall be payable by an employer who has made at his own cost adequate arrangements for the washing of uniforms.

11. *Medical facilities.*—There shall be provided and maintained by the employer so as to be readily available such medical facilities for the motor transport workers at such operating centres and halting stations as may be prescribed by the State Government.

12. *First-aid facilities.*—(1) There shall be provided and maintained by the employer so as to be readily accessible during all working hours a first-aid box equipped with the prescribed contents in every transport vehicle.

(2) Nothing except the prescribed contents shall be kept in a first-aid box.

(3) The first-aid box shall be kept in the charge of the driver or the conductor of the transport vehicle who shall be provided facilities for training in the use thereof.

CHAPTER V

HOURS AND LIMITATIONS OF EMPLOYMENT

13. *Hours of work.*—No adult motor transport worker shall be required or allowed to work for more than eight hours in any day and forty-eight hours in any week;

Provided that where any such motor transport worker is engaged in the running of any motor transport service on such long distance routes, or on such festive and other occasions as may be notified in the prescribed manner by the prescribed authority, the employer may, with the approval of such authority, require or allow such motor transport worker to work for more than eight hours in any day or forty-eight hours in any week but in no case for more than ten hours in a day and fifty-four hours in a week, as the case may be:

Provided further that in the case of a breakdown or dislocation of a motor transport service or interruption of traffic or act of God, the employer may, subject to such conditions and limitations as may be prescribed, require or allow any such motor transport worker to work for more than eight hours in any day or more than forty-eight hours in any week.

14. *Hours of work for adolescents employed as motor transport workers.*—No adolescent shall be employed or required to work as a motor transport worker in any motor transport undertaking—

- (a) for more than six hours a day including rest interval of half-an-hour;
- (b) between the hours of 10 P.M. and 6 A.M.

15. *Daily intervals for rest.*—(1) The hours of work in relation to adult motor transport workers on each day shall be so fixed that no period of work shall exceed five hours and that no such motor transport worker shall work for more than five hours before he has had an interval for rest for at least half-an-hour:

Provided that the provisions of this sub-section in so far as they relate to interval for rest shall not apply to a motor transport worker who is not required to work for more than six hours on that day.

(2) The hours of work on each day shall be so fixed that a motor transport worker is, except in any case referred to in the second proviso to section 13, allowed a period of rest of at least nine consecutive hours between the termination of duty on any one day and the commencement of duty on the next following day.

16. Spread-over.—(1) The hours of work of an adult motor transport worker shall, except in any case referred to in the second proviso to section 13, be so arranged that inclusive of interval for rest under section 15, they shall not spread-over more than twelve hours in any day.

(2) The hours of work of an adolescent motor transport worker shall be so arranged that inclusive of interval for rest under section 14, they shall not spread-over more than nine hours in any day.

17. Split duty.—Subject to the other provisions contained in this Act, the hours of work of a motor transport worker shall not be split into more than two spells on any day.

18. Notice of hours of work.—(1) There shall be displayed and correctly maintained by every employer a notice of hours of work in such form and manner as may be prescribed showing clearly for every day the hours during which motor transport workers may be required to work.

(2) Subject to the other provisions contained in this Act, no such motor transport worker shall be required or allowed to work otherwise than in accordance with the notice of hours of work so displayed.

19. Weekly rest.—(1) The State Government may, by notification in the Official Gazette, make rules providing for a day of rest in every period of seven days which shall be allowed to all motor transport workers.

(2) Notwithstanding anything contained in sub-section (1), an employer may, in order to prevent any dislocation of a motor transport service, require a motor transport worker to work on any day of rest which is not a holiday so, however, that the motor transport worker does not work for more than ten days consecutively without a holiday for a whole day intervening.

(3) Nothing contained in sub-section (1) shall apply to any motor transport worker whose total period of employment including any day spent on leave is less than six days.

20. Compensatory day of rest.—Where, as a result of any exemption granted to an employer under the provisions of this Act from the operation of section 19, a motor transport worker is deprived of any of the days of rest to which he is entitled under that section, the motor transport worker shall be allowed within the month in which the days of rest are due to him or within two months immediately following that month, compensatory days of rest of equal number to the days of rest so lost.

CHAPTER VI

EMPLOYMENT OF YOUNG PERSONS

21. Prohibition of employment of children.—No child shall be required or allowed to work in any capacity in any motor transport undertaking.

22. Adolescents employed as motor transport workers to carry tokens.—No adolescent shall be required or allowed to work as a motor transport worker in any motor transport undertaking unless—

- (a) a certificate of fitness granted with reference to him under section 23 is in the custody of the employer; and
- (b) such adolescent carries with him while he is at work a token giving a reference to such certificate.

23. Certificate of fitness.—(1) A certifying surgeon shall, on the application of any adolescent or his parent or guardian accompanied by a document signed by the employer or any other person on his behalf that such

person will be employed as a motor transport worker in a motor transport undertaking if certified to be fit for that work, or on the application of the employer or any other person on his behalf with reference to any adolescent intending to work, examine such person and ascertain his fitness for work as a motor transport worker.

(2) A certificate of fitness granted under this section shall be valid for a period of twelve months from the date thereof, but may be renewed.

(3) Any fee payable for a certificate under this section shall be paid by the employer and shall not be recoverable from the adolescent, his parent or guardian.

24. Power to require medical examination.—Where an inspector is of opinion that a motor transport worker working in any motor transport undertaking without a certificate of fitness is an adolescent, the inspector may serve on the employer a notice requiring that such adolescent motor transport worker shall be examined by a certifying surgeon and such adolescent motor transport worker shall not, if the inspector so directs, be employed or permitted to work in any motor transport undertaking until he has been so examined and has been granted a certificate of fitness under section 23.

CHAPTER VII

WAGES AND LEAVE

25. Act 4 of 1936 to apply to payment of wages to motor transport workers.—The Payment of Wages Act, 1936 (4 of 1936), as in force for the time being, shall apply to motor transport workers engaged in a motor transport undertaking as it applies to wages payable in an industrial establishment as if the said Act had been extended to the payment of wages of such motor transport workers by a notification of the State Government under sub-section (5) of section 1 thereof, and as if a motor transport undertaking were an industrial establishment within the meaning of the said Act.

26. Extra wages for over-time.—(1) Where an adult motor transport worker works for more than eight hours in any day in any case referred to in the first proviso to section 13 or where he is required to work on any day of rest under sub-section (2) of section 19, he shall be entitled to wages at the rate of twice his ordinary rate of wages in respect of the over-time work or the work done on the day of rest, as the case may be.

(2) Where an adult motor transport worker works for more than eight hours in any day in any case referred to in the second proviso to section 13, he shall be entitled to wages in respect of the over-time work at such rates as may be prescribed.

(3) Where an adolescent motor transport worker is required to work on any day of rest under sub-section (2) of section 19, he shall be entitled to wages at the rate of twice his ordinary rate of wages in respect of the work done on the day of rest.

(4) For the purposes of this section, "ordinary rate of wages" in relation to a motor transport worker means his basic wages plus dearness allowance.

27. Annual leave with wages.—(1) Without prejudice to such holidays as may be prescribed, every motor transport worker who has worked for a period of two hundred and forty days or more in a motor transport undertaking during a calendar year shall be allowed during the subsequent calendar year leave with wages for a number of days calculated at the rate of—

- (a) if an adult, one day for every twenty days of work performed by him during the previous calendar year; and

(b) if an adolescent, one day for every fifteen days of work performed by him during the previous calendar year.

(2) A motor transport worker whose service commences otherwise than on the first day of January shall be entitled to leave with wages at the rate laid down in clause (a), or, as the case may be, clause (b) of sub-section (1) if he has worked for two-thirds of the total number of days in the remainder of the calendar year.

(3) If a motor transport worker is discharged or dismissed from service during the course of the year, he shall be entitled to leave with wages at the rate laid down in sub-section (1), even if he has not worked for the entire period specified in sub-section (1) or sub-section (2) entitling him to earned leave.

(4) In calculating leave under this section, fraction of leave of half a day or more shall be treated as one full day's leave, and fraction of less than half a day shall be omitted.

(5) If a motor transport worker does not in any one calendar year take the whole of the leave allowed to him under sub-section (1) or sub-section (2), as the case may be, any leave not taken by him shall be added to the leave to be allowed to him in the succeeding calendar year:

Provided that the total number of days of leave that may be carried forward to a succeeding year shall not exceed thirty in the case of an adult or forty in the case of an adolescent.

(6) In this section, "calendar year" means the year commencing on the first day of January.

Explanation.—For the purposes of this section, leave shall not include weekly holidays or holidays for festival or other similar occasions whether occurring during or at either end of the period of leave.

28. *Wages during leave period.*—(1) For the leave allowed to a motor transport worker under section 27, he shall be paid at the rate equal to the daily average of his total full time wages for the days on which he worked during the month immediately preceding his leave, exclusive of any overtime earnings and bonus, if any, but inclusive of dearness allowance and the cash equivalent of the advantage, if any, accruing by the concessional supply by the employer of foodgrains for the day on which he worked.

(2) A motor transport worker who has been allowed leave for not less than four days under section 27 shall, on an application made by him in this behalf to the employer, be paid in advance, before his leave begins, an approximate amount equivalent to the wages payable to him for the period of his leave and any amount so paid shall be adjusted against the wages due to him for the aforesaid period of leave.

(3) If a motor transport worker is not granted leave to which he is entitled under sub-section (3) of section 27, he shall be paid wages in lieu thereof at the rates specified in sub-section (1).

CHAPTER VIII

PENALTIES AND PROCEDURE

29. *Obstructions.*—(1) Whoever obstructs an inspector in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector any reasonable facility for making any inspection, examination or inquiry authorised by or under this Act in relation to any motor transport undertaking shall be punishable with imprisonment for a term which may extend to three months, or

with fine which may extend to five hundred rupees, or with both.

(2) Whoever wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act, or prevents or attempts to prevent or does anything which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspector acting in pursuance of his duties under this Act, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

30. *Use of false certificate of fitness.*—Whoever knowingly uses or attempts to use as a certificate of fitness granted to himself under section 23 a certificate granted to another person under that section, or having been granted a certificate of fitness to himself, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

31. *Contravention of provisions regarding employment of motor transport workers.*—Whoever, except as otherwise permitted by or under this Act, contravenes any provision of this Act or of any rules made thereunder, prohibiting, restricting or regulating the employment of persons in a motor transport undertaking, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to seventy-five rupees for every day during which such contravention continues after conviction for the first such contravention.

32. *Other offences.*—Whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this Act to give such direction or contravenes any of the provisions of this Act or of any rules made thereunder for which no other penalty is elsewhere provided by or under this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

33. *Enhanced penalty after previous conviction.*—If any person who has been convicted of any offence punishable under this Act is again guilty of an offence involving a contravention of the same provision, he shall be punishable on a subsequent conviction with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both:

Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished.

34. *Offences by companies.*—(1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence

has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, managing agent or any other officer of the company, such director, manager, managing agent or such other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

35. Cognizance of offences.—No court shall take cognizance of any offence under this Act except on complaint made by, or with the previous sanction in writing of, the inspector and no court inferior to that of a Presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

36. Limitation of prosecutions.—No court shall take cognizance of an offence punishable under this Act unless the complaint thereof is made within three months from the date on which the alleged commission of the offence came to the knowledge of an inspector:

Provided that where the offence consists of disobeying a written order made by an inspector, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.

CHAPTER IX

MISCELLANEOUS

37. Effect of laws and agreements inconsistent with this Act.—(1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the commencement of this Act:

Provided that where under any such award, agreement, contract of service or otherwise a motor transport worker is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the motor transport worker shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed as precluding any motor transport worker from entering into an agreement with an employer for granting him rights or privileges in respect of any matter which are more favourable to him than those to which he would be entitled under this Act.

38. Exemptions.—(1) Nothing contained in this Act shall apply to or in relation to any transport vehicle—

- (i) used for the transport of sick or injured persons;
- (ii) used for any purpose connected with the security of India, or the security of a State, or the maintenance of public order.

(2) Without prejudice to the provisions of sub-section (1), the State Government may, by notification in the Official Gazette, direct that subject to such conditions and restrictions, if any, as may be specified in the notification the provisions of this Act or the rules made thereunder shall not apply to—

- (i) any motor transport workers who, in the opinion of the State Government, hold positions of supervision or management in any motor transport undertaking;

- (ii) any part time motor transport worker; and
- (iii) any class of employers:

Provided that before issuing any order under this sub-section, the State Government shall send a copy thereof to the Central Government.

39. Power to give directions.—The Central Government may give directions to the Government of any State as to the carrying into execution in the State of the provisions contained in this Act.

40. Power to make rules.—(1) The State Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act:

Provided that the date to be specified under clause (3) of section 23 of the General Clauses Act, 1897 (10 of 1897), shall not be less than six weeks from the date on which the draft of the proposed rules was published.

(2) In particular, and without prejudice to the generality of the foregoing power, any such rules may provide for—

- (a) the form of application for the registration of a motor transport undertaking, the time within which and the authority to which such application may be made;
- (b) the grant of a certificate of registration in respect of a motor transport undertaking and the fees payable for such registration;
- (c) the qualifications required in respect of the chief inspector and inspector;
- (d) the powers which may be exercised by inspectors and the manner in which such powers may be exercised;
- (e) the medical supervision which may be exercised by certifying surgeons;
- (f) appeals from any order of the chief inspector or inspector and the form in which, the time within which and the authorities to which, such appeals may be preferred;
- (g) the time within which facilities required by this Act to be provided and maintained may be so provided;
- (h) the medical facilities that should be provided for motor transport workers;
- (i) the type of equipment that should be provided in the first-aid boxes;
- (j) the manner in which long distance routes, festive and other occasions shall be notified by the prescribed authority;
- (k) the conditions and limitations subject to which any motor transport worker may be required or allowed to work for more than eight hours in any day or more than forty-eight hours in any case referred to in the second proviso to section 13;
- (l) the form and manner in which notices of period of work shall be displayed and maintained;
- (m) the rates of extra wages in respect of the overtime work done by a motor transport worker in any case referred to in the second proviso to section 13;
- (n) the registers which should be maintained by employers and the returns, whether occasional or periodical, as in the opinion of the State Government may be required for the purposes of this Act; and
- (o) any other matter which has to be, or may be, prescribed.

Assented to on 20-5-61.

THE DOWRY PROHIBITION ACT, 1961

(ACT No. 28 OF 1961)

AN
ACT*to prohibit the giving or taking of dowry.*

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Dowry Prohibition Act, 1961.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definition of "Dowry".*—In this Act, "dowry" means any property or valuable security given or agreed to be given either directly or indirectly—

(a) by one party to a marriage to the other party to the marriage; or

(b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person;

at or before or after the marriage as consideration for the marriage of the said parties, but does not include dower or *mahr* in the case of persons to whom the Muslim Personal Law (*Shariat*) applies.*Explanation I.* For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties.*Explanation II.* The expression "valuable security" has the same meaning as in section 30 of the Indian Penal Code (45 of 1860).3. *Penalty for giving or taking dowry.*—If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both.4. *Penalty for demanding dowry.*—If any person, after the commencement of this Act, demands, directly or indirectly from the parents or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both:

Provided that no court shall take cognizance of any offence under this section except with the previous sanction of the State Government or of such officer as the State Government may, by general or special order, specify in this behalf.

5. *Agreement for giving or taking dowry to be void.*—Any agreement for the giving or taking of dowry shall be void.6. *Dowry to be for the benefit of the wife or her heirs.* (1) Where any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman—

(a) if the dowry was received before marriage, within one year after the date of marriage; or

(b) if the dowry was received at the time of or after the marriage, within one year after the date of its receipt; or

(c) if the dowry was received when the woman was a minor, within one year after she has attained the age of eighteen years;

and pending such transfer, shall hold it in trust for the benefit of the woman.

(2) If any person fails to transfer any property as required by sub-section (1) and within the time limited therefor, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both; but such punishment shall not absolve the person from his obligation to transfer the property as required by sub-section (1).

(3) Where the woman entitled to any property under sub-section (1) dies before receiving it, the heirs of the woman shall be entitled to claim it from the person holding it for the time being.

(4) Nothing contained in this section shall affect the provisions of section 3 or section 4.

7. *Cognizance of offences.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898),—

(a) no court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence under this Act;

(b) no court shall take cognizance of any such offence except on a complaint made within one year from the date of the offence;

(c) it shall be lawful for a presidency magistrate or a magistrate of the first class to pass any sentence authorised by this Act on any person convicted of an offence under this Act.

8. *Offences to be non-cognizable, bailable and non-compoundable.*—Every offence under this Act shall be non-cognizable, bailable and non-compoundable.9. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

10. *Repeals.*—The Andhra Pradesh Dowry Prohibition Act, 1958 (Andhra Pradesh Act 1 of 1958), and the Bihar Dowry Restraint Act, 1950 (Bihar Act 25 of 1950), are hereby repealed.

Simla-4, the 27th May, 1961

No. 1-7/60-LR.—The Finance Act, 1961 (No. 14 of 1961) recently passed by the Parliament of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 29th April, 1961 is hereby republished in the Himachal Pradesh Administration Rajpatra for the information of general public.

S. R. MAHANTAN,
Under Secretary (Judicial).

Assented to on 29-4-61

THE FINANCE ACT, 1961

(ACT No. 14 OF 1961)

AN
ACT

to give effect to the financial proposals of the Central Government for the financial year 1961-62.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Finance Act, 1961.

(2) Save as otherwise provided in this Act, sections 3 to 10 inclusive shall be deemed to have come into force on the first day of April, 1961.

2. *Income-tax and super-tax.*—(1) Subject to the provisions of sub-sections (2), (3) and (4) for the year beginning on the 1st day of April, 1961,—

(a) income-tax shall be charged at the rates specified in Part I of the First Schedule, and, in the cases to which Paragraphs A, B and C of that Part apply, shall be increased by a surcharge for purposes of the Union and a special surcharge, calculated in either case in the manner provided therein; and

(b) super-tax shall, for the purposes of section 55 of the Indian Income-tax Act, 1922 (11 of 1922), (hereinafter referred to as the Income-tax Act), be charged at the rates specified in Part II of the First Schedule, and, in the cases to which Paragraphs A, B and C of that Part apply, shall be increased by a surcharge for purposes of the Union and a special surcharge, calculated in either case in the manner provided therein.

(2) In making any assessment for the year ending on the 31st day of March, 1962,—

(a) where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries", the income-tax payable by the assessee on that part of his total income which consists of such inclusion shall be an amount bearing to the total amount of income-tax payable according to the rates applicable under the operation of the Finance Act, 1960 (13 of 1960), on his total income the same proportion as the amount of such inclusion bears to his total income;

(b) where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" on which super-tax has been or might have been deducted under the provisions of sub-section (2) of section 18 of the Income-tax Act, the super-tax payable by the assessee on that portion of his total income which consists of such inclusion shall be an amount bearing to the total amount of super-tax payable according to the rates applicable under the operation of the Finance Act, 1960 (13 of 1960), on his total income the same proportion as the amount of such inclusion bears to his total income.

(3) In making any assessment for the year ending on the 31st day of March, 1962, where the total income of a company, other than the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (31 of 1956), includes any profits and gains from life insurance business, the super-tax payable by it shall be the aggregate of the tax calculated—

(i) on the amount of profits and gains from life insurance business so included, at the rate applicable to the Life Insurance Corporation of India in accordance with Paragraph E of Part II of the First Schedule; and

(ii) on the remaining part of its total income, at the rate applicable to the company on its total income.

(4) In cases to which section 17 of the Income-tax Act applies the tax chargeable shall be determined as provided in that section, and with reference to the rates imposed by sub-section (1).

(5) In cases in which tax has to be deducted under section 18 of the Income-tax Act at the prescribed rates, the deduction shall be made at the rates specified in Part III of the First Schedule.

(6) For the purposes of this section, and of the rates of tax imposed thereby, the expression "total income" means total income as determined for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the Income-tax Act, and the expression "earned income" has the meaning assigned to it in clause (6AA) of section 2 of that Act.

3. *Amendment of section 4.*— In section 4 of the Income-tax Act, in sub-section (3),—

(i) after clause (ii), the following clause shall be inserted, namely:—

"(iia) Any income of an association or institution established in India having as its object the control, supervision, regulation or encouragement in India of the games of cricket, hockey, foot-ball, tennis or such other games or sports as the Central Government may specify in this behalf from time to time by notification in the Official Gazette:

Provided that—

(i) the association or institution applies its income, or accumulates it for application, solely to the objects for which it is established;

(ii) no part of the income of the association or institution is distributed in any manner to its members except as grants to any association or institution affiliated to it; and

(iii) the association or institution is, for the time being, approved for the purpose of this clause by the Central Government by general or special order."

(ii) in clause (xiva), for the second proviso, the following provisos shall be substituted, namely:—

Provided further that in the case of a person referred to in this clause whose contract of service was approved by the Central Government before the commencement of his service, this clause shall have effect as if for the words "during the financial year in which he arrived in India and the financial year next following", the words "during the thirty-six months commencing from the date of his arrival in India" had been substituted and as if the proviso immediately preceding had been omitted:

Provided also that where a person referred to in the proviso immediately preceding continues to remain in employment in India after the expiry of the thirty-six months commencing from the date of his arrival in India, the employer may, notwithstanding anything contained in section 200 of the Companies Act, 1956 (1 of 1956), pay to the Central Government the tax on the income of such person chargeable under the head "Salaries" for a period not exceeding twenty-four months following the expiry of the said thirty-six months and if the tax is so paid it shall not be included in his total income of the said period."

- (iii) in clause (xvi) after the words "International Bank for Reconstruction and Development.", the words "or under a loan agreement between the Central Government and the Development Loan Fund of the United States of America." shall be inserted and after the words "under a loan agreement with the said Bank", the words "or Fund, as the case may be", shall be inserted.

4. *Amendment of section 7.*—In section 7 of the Income-tax Act, in the proviso to *Explanation 2*, after the words "a Central, State or Provincial Act", the words, letters and figures "or any payment of retiring gratuity received after the 1st day of June, 1953, under the New Pension Code applicable to the members of the Defence Services" shall be inserted and shall be deemed always to have been inserted.

5. *Amendment of section 9.*—In section 9 of the Income-tax Act, in sub-section (2), after the third proviso, the following proviso and *Explanation* shall be inserted, namely:

"Provided further that in respect of a building the erection of which is begun and completed after the 1st day of April, 1961, the annual value for a period of three years from the date of such completion shall be reduced by a sum equal to the aggregate of—

- (a) in respect of any residential unit (comprised in the building) whose annual value does not exceed six hundred rupees, the amount thereof; and
- (b) in respect of any residential unit (comprised in the building) whose annual value exceeds six hundred rupees, an amount of six hundred rupees.

so, however, that the income in respect of any residential unit shall in no case be a loss.

Explanation. Where a residential unit is in the occupation of the owner for the purposes of his own residence, and the annual value thereof is computed in accordance with the first proviso, such computation shall be made as if the fourth proviso had been omitted."

6. *Amendment of section 10.*—In section 10 of the Income-tax Act, in sub-section (2).—

- (i) in clause (vi), after the words "in the case of machinery or plant, to twenty per cent of the cost thereof to the assessee:"

and before the proviso, the following paragraph shall be inserted, namely:—

"and where the buildings have been newly erected after the 31st day of March, 1961, such buildings being used solely for the purpose of residence of persons employed in the business and drawing remuneration not exceeding two hundred rupees per mensem or such buildings being used solely or mainly for the welfare of such persons as hospitals, creches, schools, canteens, libraries, recreational centres, shelters, rest rooms and lunch rooms, a sum (which shall not be deductible in determining the written down value for the purposes of this clause) equal to twenty per cent of the actual cost of the building to the assessee in respect of the previous year of erection of the building:"

- (ii) in clause (vib),—

(1) for sub-clause (i) and sub-clause (ii), the following sub-clauses shall be substituted, namely:—

"(i) in the case of a ship acquired after the 31st day of December, 1957, forty per cent and in the case of a ship acquired before the 1st day of January, 1958,

twenty-five per cent of the actual cost of the ship to the assessee; and

- (ii) in the case of machinery or plant installed before the 1st day of April, 1961, twenty-five per cent and in the case of machinery or plant installed after the 31st day of March, 1961, twenty per cent of the actual cost of the machinery or plant to the assessee."

(2) in the first proviso, after the words "any person other than the Government", the words "or for any consideration not connected with any amalgamation or succession referred to in clause (vic)" shall be inserted:

- (iii) after clause (vib), the following clause shall be inserted, namely:—

"(vic) (i) where in a scheme of amalgamation, a company (hereinafter in this sub-clause referred to as the predecessor) sells or otherwise transfers to the company formed in pursuance of the predecessor's amalgamation with that company (hereinafter in this sub-clause referred to as the successor) any ship, machinery or plant in respect of which development rebate has been allowed to the predecessor under clause (vib),—

- (1) the successor shall continue to fulfil the conditions mentioned in the first proviso to clause (vib) in respect of the reserve created by the predecessor and in respect of the period within which such ship, machinery or plant shall not be sold or otherwise transferred and in default of any of these conditions, the provisions of sub-section (11) of section 35 shall apply to the successor as it would have applied to the predecessor had it committed the default:

- (2) the balance of development rebate, if any, still outstanding to the predecessor in respect of such ship, machinery or plant shall be allowed to the successor in accordance with *Explanations I and II* of clause (vib), so, however, that the total period for which the balance of development rebate shall be carried forward in the assessments of the predecessor and the successor shall not exceed the period of eight years specified in *Explanation I* to clause (vib) and the successor shall be treated as the assessee in respect of such ship, machinery or plant for the purposes of clause (vib) and this sub-clause;

Explanation.—For the purposes of this sub-clause, "amalgamation" means the merger of two companies (each of which is hereinafter in this *Explanation* referred to as the amalgamating company) to form one company (hereinafter in this *Explanation* referred to as the amalgamated company) in such a manner that—

- (a) all the property of the amalgamating companies immediately before the amalgamation becomes the property of the amalgamated company by virtue of the amalgamation;
- (b) all the liabilities of the amalgamating companies immediately before the amalgamation become the liabilities of the amalgamated company by virtue of the

amalgamation; and

- (c) all the shareholders of the amalgamating companies immediately before the amalgamation become shareholders of the amalgamated company by virtue of the amalgamation.

otherwise than as a result of the acquisition of property of one company by another company pursuant to the purchase of such property by the other company or as a result of the distribution of such property to the other company after the winding up of the company;

- (ii) where a firm is succeeded to by a private company, as defined in the Companies Act, 1956 (1 of 1956), in the business carried on by it as a result of which the firm sells or otherwise transfers to the private company any ship, machinery or plant, the provisions of sub-clause (i) of this clause shall, so far as may be, apply to the firm and the company;

Explanation.—The provisions of this sub-clause shall apply only where—

- (a) all the property of the firm immediately before the succession becomes the property of the company;
- (b) all the liabilities of the firm immediately before the succession become the liabilities of the company; and
- (c) all the partners of the firm immediately before the succession become shareholders of the company; ;

- (iv) after clause (xiv), the following clause shall be inserted, namely:—

“(xiv) in respect of any special reserve created by a financial corporation which is engaged in providing long term finance for industrial development in India, and amount not exceeding ten per cent of the total income carried to such reserve account:

Provided that the corporation is for the time being approved by the Central Government for the purposes of this clause:

Provided further that where the aggregate of the amounts carried to such reserve account from time to time exceeds the paid-up share capital (excluding the amounts capitalised from reserves) of the corporation no allowance under this clause shall be made in respect of such excess;”;

- (v) in clause (xv), the following proviso shall be inserted, namely:—

“Provided that in the case of a company, no expenditure in the nature of entertainment expenditure shall be allowed which exceeds the aggregate amount computed as hereunder—

i) on the first Rs. 10,00,000 of the profits and gains of the business at the rate of 1% or Rs. 5,000 whichever is higher;

ii) on the next Rs. 40,00,000 of the profits and gains of the business at the rate of 3/4%;

iii) on the next Rs. 1,20,00,000 of the profits and gains of the business at the rate of 1/2%;

(iv) on the balance of the profits nil.”.

and gains of the business (computed in the manner aforesaid)

7. *Amendment of section 15C.*—In section 15C of the Income-tax Act,—

- (a) in sub-section (1), after the word “undertaking” wherever it occurs, the words “or hotel” shall be inserted;
- (b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) This section applies to any hotel which—

- (a) starts functioning on or after the first day of April, 1961 and is not formed by the splitting up, or the reconstruction of, business already in existence or by the transfer to a new business of building, machinery or plant previously used in any other business;
- (b) is owned and run by a company registered in the taxable territories with a paid-up capital of not less than five hundred thousand rupees;
- (c) is run in premises which are owned by the company;
- (d) has such number and types of guest rooms and provides such amenities as may be prescribed, having regard to the population and the tourist importance of the place in which the hotel is located; and
- (e) is for the time being approved for the purposes of this sub-section by the Central Government.”;
- (c) in sub-sections (3) and (5), after the words “industrial undertaking”, the words “or a hotel” shall be inserted;
- (d) in sub-section (4),—
- (i) after the words “industrial undertaking”, the words “or a hotel” shall be inserted;
- (ii) the following *Explanation* shall be inserted, namely:—

“*Explanation.*—The amount of dividend in respect of which the tax is not payable under this sub-section shall be computed in accordance with such rules as may be made in this behalf by the Central Board of Revenue.”;

- (e) in sub-section (6), for the words “shall apply”, the words “shall, in relation to an industrial undertaking, apply” shall be substituted;
- (f) after sub-section (6), the following sub-section shall be inserted, namely:—
- “(7) The provisions of this section shall, in relation to a hotel, apply to the assessment for the financial year next following the previous year in which the hotel starts functioning and for the four assessments immediately succeeding.”.

8. *Amendment of section 23A.*—In section 23A of the Income-tax Act, in sub-section (1),—

- (a) in clause (ii), the word “or” shall be added at the end; and
- (b) after clause (ii), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1960, namely:—
- “(iii) that at least 75 per cent of the share capital of the company is throughout the previous year beneficially held by an institution or fund established in the taxable territories for a charitable purpose the income whereof is exempt under clause (i) of sub-section (3) of section 4;”.

9. *Amendment of section 35.*—In section 35 of the Income-tax Act, in sub-section (1),—

(a) in clause (i), after the words “other than the Government”, the words “or for any consideration not connected with any amalgamation or succession referred to in clause (vic) of sub-section (2) of section 10”, shall be inserted;

(b) the following *Explanation* shall be inserted, namely:—

“*Explanation.*—For the purposes of this sub-section, a successor referred to in sub-clause (i) or sub-clause (ii) of clause (vic) of sub-section (2) of section 10 shall be deemed to be the assessee even in respect of an allowance by way of development rebate made to the predecessor, and any tax resulting from the recomputation of the total income for any previous year of the predecessor shall be payable by the successor.”.

10. *Amendment of section 56A.*—In section 56A of the Income-tax Act, in clause (i) of sub-section (1) after item (20), the following item shall be inserted, namely:—
“(21) Refractories.”.

11. *Amendment of Act 32 of 1934.*—The Indian Tariff Act, 1934 (hereinafter referred to as the Tariff Act), shall be amended in the manner specified in the Second Schedule.

12. *Amendment of Act 1 of 1949.*—In the Indian Tariff (Amendment) Act, 1949, in sections 4 and 5, for the figures “1961”, the figures “1962” shall be substituted.

13. *Amendment of Act 1 of 1944.*—In the First Schedule to the Central Excises and Salt Act, 1944,—

(a) in Item No. 2, for the entry in the third column, the entry “Fifty-five rupees per quintal” shall be substituted;

(b) in Item No. 4,—

(1) under “I. *Unmanufactured tobacco*”—

(i) for sub-item (1), the following sub-item shall be substituted, namely:—

“(1) If flue cured and used for the manufacture of cigarettes, Two rupees and fifty naye paise.”;

(ii) in sub-item (4) for the entry in the third column, the entry “Two rupees” shall be substituted;

(iii) in sub-item (5), for the entry in the third column, the entry “One rupee and fourteen naye paise” shall be substituted;

(iv) in sub-item (8), for the entry in the third column, the entry “Twenty-two naye paise” shall be substituted;

(2) under “II. *Manufactured tobacco*”—

(i) for sub-item (1), the following sub-item shall be substituted, namely:—

“(1) Cigars and cheroots of which the Per hundred value—

(i) exceeds Rs. 25 a hundred. Fifteen rupees.
(ii) exceeds Rs. 15 a hundred, but does not exceed Rs. 25 a hundred. Nine rupees.

(iii) exceeds Rs. 5 a hundred, but does not exceed Rs. 15 a hundred. Three rupees.

(iv) exceeds Rs. 1.25 a hundred, but does not exceed Rs. 5 a hundred. Seventy-five naye paise.”;

(ii) in sub-item (2),—

(A) for sub-items (2) (i), (2) (ii), (2) (iii) and (2) (iv), the following shall be substituted, namely:—

“(i) exceeds Rs. 35 a thousand. Twenty-three rupees and seventy-five naye paise.

(ii) exceeds Rs. 30 a thousand, but does not exceed Rs. 35 a thousand. Twelve rupees and seventy-five naye paise.

(iii) exceeds Rs. 25 a thousand, but does not exceed Rs. 30 a thousand. Eleven rupees and fifty naye paise.”;

(B) sub-items (2) (v), (2) (vi), (2) (vii), (2) (viii) and (2) (ix) shall, respectively, be re-numbered as sub-items (2) (iv), (2) (v), (2) (vi), (2) (vii) and (2) (viii);

(c) in Item No. 7, for the entry in the third column, the entry “Ninety-five rupees and fifty-five naye paise per kilolitre at fifteen degrees of Centigrade thermometer” shall be substituted;

(d) in item No. 9, for the entry in the third column, the entry “Sixteen per cent. *ad valorem* plus ninety-two rupees and ten naye paise per metric tonne” shall be substituted;

(e) in Item No. 13, for the entry in the third column, the entry “Twenty rupees per quintal” shall be substituted;

(f) in Item No. 14, for the entries in the third column against each of the sub-items specified below, the following entries as are set out in the corresponding column against that sub-item shall be substituted, namely:—

I (1) (i) “Nineteen rupees and seventy-five naye paise per quintal.

(ii) Seventy naye paise per kilogram.
(2) Seventeen rupees and twenty-five naye paise per quintal.

(3) (i) Seventeen rupees and twenty-five naye paise per quintal.

(ii) Twenty-nine rupees and fifty naye paise per quintal.

(iii) Forty-two naye paise per litre.

(iv) Ninety-eight naye paise per litre.

(4) (i) Seventy naye paise per kilogram.
(ii) Seventeen rupees and twenty-five naye paise per quintal.

(iii) Fifty-six naye paise per litre.

(5) Seventeen rupees and twenty-five naye paise per quintal, if sold by weight;

Fifty-six naye paise per litre, if sold by volume.

II (i) Twenty-eight naye paise per litre.
(ii) Eighteen naye paise per litre.

III (i) One rupee and forty naye paise per litre.

(ii) Fifty naye paise per kilogram, if sold by weight;
Eighty-five naye paise per litre, if sold by volume.”;

(g) after Item No. 14, the following Items shall be inserted; namely:—

“14A. SODA ASH Two rupees per quintal.”

14B. CAUSTIC SODA—

(i) if in a solid form Four rupees per quintal.

(ii) if in lye Four rupees per quintal on the basis of hundred per cent strength of caustic soda.

14C. GLYCERINE Seventeen rupees per quintal.

14D. DYES DERIVED FROM COAL TAR AND COAL Fifteen per cent *ad valorem*.

**TAR DERIVATIVES
USED IN ANY DYE-
ING PROCESS, ALL
SORTS.**

14E. PATENT OR PROPRIETARY MEDICINES AS DEFINED IN CLAUSE (h) OF SECTION 3 OF THE DRUGS ACT, 1940 (23 OF 1940), NOT CONTAINING ALCOHOL OR OPIUM, INDIAN HEMP, OR OTHER NARCOTIC DRUGS OR NARCOTICS. Ten per cent *ad valorem*.

14F. COSMETICS AND TOILET PREPARATIONS NOT CONTAINING ALCOHOL OR OPIUM, INDIAN HEMP, OR OTHER NARCOTIC DRUGS OR NARCOTICS, NAMELY:— Twenty-five per cent *ad valorem*.”;

- (i) Face cream and snow.
- (ii) Face powder.
- (iii) Talcum powder.
- (iv) Hair lotion, cream and pomade.

(h) after Item No. 15, under the heading **Chemicals**, the following Items shall be inserted, namely:—

“15A. PLASTICS, ALL SORTS, NAMELY:— Twenty per cent *ad valorem*.

- (i) Moulding powders, granules and flakes (thermosetting and thermoplastic).
- (ii) Polyethylene films, layflat tubings and P.V.C. sheets (that is to say, Polyvinyl Chloride sheets).

15B. CELLOPHANE, THAT IS, ANY FILM OR SHEET OF REGENERATED CELLULOSE. Twenty per cent *ad valorem*.”;

(i) in Item No. 17, for the entries in the third column against sub-items (1), (2), (4), (5), (6), (7), (8), (9) and (10), the entries “Fifty naye paise per kilogram”, “One rupee per kilogram”, “Thirty-five naye paise per kilogram”, “Fifteen naye paise per kilogram”, “Thirty-five naye paise per kilogram”, “Thirty-five naye paise per kilogram”, “Thirty-five naye paise per kilogram”, “Fifty naye paise per kilogram” and “Fifty naye paise per kilogram” shall, respectively, be substituted;

(j) after Item No. 18, the following Items shall be inserted, namely:—

18A. COTTON TWIST, YARN AND THREAD, ALL SORTS, in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power—

- (1) of 35 or more counts: Fifteen naye paise per kilogram.
- (2) of less than 35 counts. Ten naye paise per kilogram.

Explanation.—For multiple-fold yarn, “count” means the count of the basic single yarn.

18B. WOOLLEN YARN, ALL SORTS INCLUDING KNITTING WOOL, in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power—

- (1) Worsted yarn; Ten per cent *ad valorem*.
- (2) others. Five per cent *ad valorem*.”;
- (k) after Item No. 23, the following Items shall be inserted, namely:—

“23A. GLASS AND GLASSWARE —

- (1) Sheet glass and Plate glass. Ten per cent *ad valorem*.
- (2) Laboratory glassware. Five per cent *ad valorem*.
- (3) Glass shells, glass globes and chimneys for lamps and lanterns. Ten per cent *ad valorem*.
- (4) Other glassware including tableware. Fifteen per cent *ad valorem*.

23B. CHINAWARE AND PORCELAINWARE, ALL SORTS.—

- (1) Tableware. Fifteen per cent *ad valorem*.
- (2) Sanitaryware. Fifteen per cent *ad valorem*.
- (3) Glazed tiles. Ten per cent *ad valorem*.
- (4) Not otherwise specified. Ten per cent *ad valorem*.”;

Explanation.—“Chinaware” includes all glazed clayware but does not include terracotta.

(l) after Item No. 26, the following Items shall be inserted, namely:—

“26A. COPPER AND COPPER ALLOYS CONTAINING NOT LESS THAN FIFTY PER CENT BY WEIGHT OF COPPER,—

- (1) Manufactures, the following, namely, plates, sheets, circles, strips and foils in any form or size. Three hundred rupees per metric tonne.
- (2) Pipes and tubes. Ten per cent *ad valorem*.

26B.—ZINC,—

- (1) Manufactures, the following, namely, plates, sheets, circles, strips and foils in any form or size. Three hundred rupees per metric tonne.
- (2) Pipes and tubes. Ten per cent *ad valorem*.”;
- (m) in Item No. 27, after sub-item (b), the following sub-item shall be inserted, namely:—
- “(c) Pipes and tubes. Ten per cent *ad valorem*.”;
- (n) after Item No. 29, the following Item shall be inserted, namely:—

“29A. AIR CONDITION- Twenty per cent *ad*

ING MACHINERY, *valorem*.”;
ALL SORTS.

(o) after Item No. 33, the following Item shall be inserted, namely:—

“33A. WIRELESS RECEIVING SETS, ALL SORTS, INCLUDING TRANSISTOR SETS AND RADIO-GRAMS, WITH OR WITHOUT LOUD-SPEAKER. Twenty per cent *ad valorem*.”;

(p) in Item No. 38, for the entry in the third column, the entry “Sixty-five naye paise for every 1,000 matches or fraction thereof” shall be substituted;

(q) after Item No. 39, the following Item shall be inserted, namely:—

“40. REFRIGERATORS AND PARTS THEREOF, SUCH AS ARE SPECIALLY DESIGNED FOR USE WITH REFRIGERATORS. Twenty per cent. *ad valorem*.”

14. *Amendment of Act 74 of 1956.*—In the Central Sales Tax Act, 1956, in section 14,—

(i) in item (ia), for the figures “12”, the figures “19” shall be substituted;

(ii) in item (vii), for the figures and letter “12A”, the figures “22” shall be substituted;

(iii) in item (viii), for the figure “8”, the figure “1”, shall be substituted;

(iv) in item (ix), for the figure “9”, the figure “4” shall be substituted;

(v) in item (x), for the figures and letter “12B”, the figures “21” shall be substituted;

(vi) after item (x), the following item shall be inserted and shall be deemed to have been inserted with effect from the 1st day of March, 1961, namely:—

“(xi) silk fabrics, as defined in Item 20 of the First Schedule to the Central Excises and Salt Act, 1944.”

15. *Amendment of Act 58 of 1957.*—In the Additional Duties of Excise (Goods of Special Importance) Act, 1957,

(a) in clause (c) of section 2,—

(i) after the words “cotton fabrics”, the words “silk fabrics” shall be inserted;

(ii) after the figures “19”, the figures “20”, shall be inserted;

(b) in sub-section (1) of section 3, after the words “cotton fabrics”, the words “silk fabrics,” shall be inserted;

(c) in the First Schedule,—

(1) in Item No. 4,—

(i) under “I. *Unmanufactured tobacco*”, for sub-item (1), the following sub-item shall be substituted, namely:—

“(1) if flue cured and used in the manufacture of cigarettes Nil”;

(ii) under “II. *Manufactured tobacco*”—

(A) for sub-item (1), the following sub-item shall be substituted, namely:—

“(i) Cigars and cheroots of Per hundred, which the value

(i) exceeds Rs. 25 a hundred. Three rupees and seventy five naye paise.

(ii) exceeds Rs. 15 a hundred, but does not exceed Rs. 25 a hundred. Two rupees and twenty-five naye paise.

(iii) exceeds Rs. 5 a hundred, but does not exceed Rs. 15 a hundred. Seventy-five naye paise.

(iv) exceeds Rs. 1.25 a hundred, but does not exceed Rs. 5 a hundred. Fifteen naye paise.”;

(B) in sub-item (2), for sub-items (2) (i) and (2) (ii), the following shall be substituted, namely:—

“(2)(i) exceeds Rs. 35 a thousand. Seven rupees and seventy naye paise.”;

(C) the sub-items (2) (iii), (2) (iv), (2) (v), (2) (vi), (2) (vii), (2) (viii) and (2) (ix) shall, respectively, be renumbered as sub-items (2) (ii), (2) (iii), (2) (iv), (2) (v), (2) (vi), (2) (vii) and (2) (viii);

(2) after Item No. 19, the following Item shall be inserted, namely:—

“20. SILK FABRICS. Thirty naye paise per square metre.”;

(d) in the Second Schedule, in Part III,—

(i) in clause (a) of paragraph 5, after the words “cotton fabrics,” the words “silk fabrics,” shall be inserted; and

(ii) in the proviso to paragraph 6, after the words “cotton fabrics,” the words “silk fabrics” shall be inserted.

16. *Amendment of Act 2 of 1899.*—In Schedule 1 to the Indian Stamp Act, 1899, in entry 47,—

(a) in sub-entry A (1) (i), in the first column, the words “fifteen naye paise or” shall be omitted; and

(b) in sub-entry E, in the second column, the following proviso shall be inserted, namely:—

“Provided that if the total amount of duty payable is not a multiple of five naye paise, the total amount shall be rounded off to the next higher multiple of five naye paise.”

17. *Discontinuance of salt duty.*—For the year beginning on the first day of April, 1961, no duty under the Central Excises and Salt Act, 1944 (1 of 1944), or the Tariff Act shall be levied in respect of salt manufactured in, or imported into, India.

THE FIRST SCHEDULE

(See section 2)

PART I

Income-tax and surcharges on income-tax

Paragraph A

(i) In the case of every individual who is married and every Hindu undivided family whose total income does not exceed Rs. 20,000 in either case—

Rates of Income-tax

	Where the individual has no child wholly or mainly dependent on him or where the Hindu undivided family has no minor coparcener.	Where the individual has one child wholly or mainly dependent on him or where the Hindu undivided family has one minor coparcener.	Where the individual has more than one child wholly or mainly dependent on him or where the Hindu undivided family has more than one minor coparcener.
	1	2	3
	Rs.	Rs.	Rs.
(1) On the first 3,000 of total income.	3,000	3,000	3,600
(2) On the next 2,000 „	1,700	1,700	1,400
(3) On the next 2,500 „	2,500	2,500	2,500
			3%
			6%

	1	2	3
(4) On the next 2,500 of total income	2,500	2,500	2,500
(5) On the next 2,500 "	2,500	2,500	2,500
(6) On the next 2,500 "	2,500	2,500	2,500
(7) On the next 5,000 "	5,000	5,000	5,000

(ii) In the case of every individual who is not married and every individual or Hindu undivided family whose total income in either case exceeds Rs. 20,000 and in the case of every unregistered firm or other association of persons, not being a case to which any other Paragraph of this Part applies:—

(1) On the first	1,000	of total income	Nil						
(2) On the next	4,000	"	3%						
(3) On the next	2,500	"	6%						
(4) On the next	2,500	"	9%						
(5) On the next	2,500	"	11%						
(6) On the next	2,500	"	14%						
(7) On the next	5,000	"	18%						
(8) On the balance of total income			25%						

Provided that for the purposes of this Paragraph—

- no income-tax shall be payable on a total income which does not exceed the limit specified below;
- the income-tax payable shall in no case exceed half the amount by which the total income exceeds the said limit;
- the income-tax payable by an individual who is married or a Hindu undivided family whose total income exceeds in either case Rs. 20,000 shall not exceed the aggregate of—
 - the income-tax which would have been payable if the total income had been Rs. 20,000;
 - half the amount by which the total income exceeds Rs. 20,000;

The limit aforesaid shall be—

- Rs. 6,000 in the case of every Hindu undivided family which as at the end of the previous year satisfies either of the following conditions, namely:—
 - that it has at least two members entitled to claim partition who are not less than eighteen years of age; or
 - that it has at least two members entitled to claim partition who are not lineally descended one from the other and who are not lineally descended from any other living member of the family;
- Rs. 3,000 in every other case.

Surcharges on income-tax

The amount of income-tax computed at the rates hereinbefore specified shall be increased by the aggregate of the surcharges calculated as under:—

- A surcharge for purposes of the Union equal to the sum of—
 - five per cent of the amount of income-tax; and
 - where the earned income included in the total income exceeds Rs. 1,00,000, ten per cent of the difference between the amount of income-tax which would have been payable on the whole of the earned income included in the total income if such earned income had been the total income and the amount of income-tax payable on a total income of Rs. 1,00,000;
- A special surcharge at fifteen per cent of the difference between the amount of income-tax on the total income and the amount of income-tax on the whole of the earned income, if any, included in the total income if such earned income had been the total income;

Provided that —

- no surcharge for purposes of the Union shall be payable where the total income does not exceed the limit specified below;
- no special surcharge shall be payable in the case of an assessee whose total income does not include any income from dividend on ordinary shares if his total income does not exceed the limit specified below, and where the total income includes any dividends on ordinary shares, such limit shall be increased by Rs. 1,500 or the amount of the said dividends, whichever is less:

Provided further that—

- where the total income includes any dividends on ordinary shares, the surcharge for purposes of the Union and the special surcharge shall not in each case exceed half the amount by which the total income exceeds the respective limits applicable in either case;
 - the surcharge for purposes of the Union and the special surcharge, both together, shall not exceed half the amount by which the total income exceeds the limits specified below;
- The limit aforesaid shall be—
- Rs. 15,000 in the case of every Hindu undivided family which satisfies as at the end of the previous year either of the following conditions, namely:—
 - that it has at least two members entitled to claim partition who are not less than eighteen years of age; or
 - that it has at least two members entitled to claim partition who are not lineally descended one from the other and who are not lineally descended from any other living member of the family;
 - Rs. 7,500 in every other case.

Explanation.—For the purposes of this Paragraph, in the case of every Hindu undivided family governed by the *Mitakshara* law, a son shall be deemed to be entitled to claim partition of the coparcenary property against his father, or grand-father notwithstanding any custom to the contrary.

Paragraph B

In the case of every local authority.—

Rate of income-tax

On the whole of the total income .. 30%

Surcharge on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by a surcharge for purposes of the Union of 5 per cent of the amount of income-tax.

Paragraph C

In every case in which under the provisions of the Income-tax Act, income-tax is to be charged at the maximum rate.—

Rate of income-tax

On the whole of the total income .. 25%

Surcharges on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by the aggregate of the surcharges calculated as under:—

- a surcharge for purposes of the Union of five per cent of the amount of income-tax; and
- a special surcharge of fifteen per cent of the amount of income-tax.

Paragraph D

In the case of every company,—

Rate of income-tax

On the whole of the total income .. 20%

Paragraph E

In the case of every registered firm,—

Rates of income-tax

- | | |
|--|----|
| (1) On the first Rs. 40,000 of total income .. | — |
| (2) On the next Rs. 35,000 of total income .. | 5% |
| (3) On the next Rs. 75,000 of total income .. | 6% |
| (4) On the balance of total income .. | 9% |

PART II*Super-tax and surcharges on super-tax**Paragraph A*

In the case of every individual, Hindu undivided family, unregistered firm and other association of persons not being a case to which any other Paragraph of this Part applies,

Rates of super-tax

- | | |
|--|-----|
| (1) On the first Rs. 20,000 of total income .. | Nil |
| (2) On the next Rs. 5,000 of total income .. | 5% |
| (3) On the next Rs. 5,000 of total income .. | 15% |
| (4) On the next Rs. 10,000 of total income .. | 20% |
| (5) On the next Rs. 10,000 of total income .. | 30% |
| (6) On the next Rs. 10,000 of total income .. | 35% |
| (7) On the next Rs. 10,000 of total income .. | 40% |
| (8) On the balance of total income .. | 45% |

Surcharges on super-tax

The amount of super-tax computed at the rates hereinbefore specified shall be increased by the aggregate of the surcharges calculated as under:—

- (a) A surcharge for purposes of the Union equal to the sum of—
 - (i) five per cent of the amount of super-tax; and
 - (ii) where the earned income included in the total income exceeds Rs. 1,00,000, ten per cent of the difference between the amount of super-tax which would have been payable on the whole of the earned income included in the total income, if such earned income had been the total income and the amount of super-tax payable on a total income of Rs. 1,00,000;
- (b) A special surcharge at fifteen per cent of the difference between the amount of super-tax on the total income and the amount of super-tax on the whole of the earned income, if any, included in the total income, if such earned income had been the total income.

Paragraph B

In the case of every local authority,—

Rate of super-tax

On the whole of the total income .. 16%

Surcharge on super-tax

The amount of super-tax computed at the rate hereinbefore specified shall be increased by a surcharge for purposes of the Union of 12½ per cent of the amount of super-tax.

Paragraph C

In the case of every association of persons being a co-operative society as defined in clause (5B) of section 2 of the Income-tax Act, —

Rates of super-tax

- | | |
|---|-----|
| (1) On the first Rs. 25,000 of total income | Nil |
| (2) On the balance of total income .. | 16% |

Surcharge on super-tax

The amount of super-tax computed at the rates hereinbefore specified shall be increased by a surcharge for purposes of the Union of 12½ per cent of the amount of super-tax.

Paragraph D

In the case of every company, other than the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (31 of 1956),—

Rates of super-tax

On the whole of the total income .. 55%
Provided that—

- (i) a rebate at the rate of 45 per cent on so much of the total income as consists of dividends from a subsidiary Indian company formed and registered before the 1st day of April, 1961; at the rate of 40 per cent on so much of the total income as consists of dividends from any other Indian company formed and registered on or after the 1st day of April, 1959; and at the rate of 35 per cent on the balance of the total income shall be allowed in the case of any company which—
 - (a) in respect of its profits liable to tax under the Income-tax Act for the year ending on the 31st day of March, 1962, has made the prescribed arrangements for the declaration and payment within India of the dividends payable out of such profits in accordance with the provisions of sub-section (3D) of section 18 of that Act; and
 - (b) is such a company as is referred to in sub-section (9) of section 23A of the Income-tax Act with a total income not exceeding Rs. 25,000;
- (ii) a rebate at the rate of 45 per cent on so much of the total income as consists of dividends from a subsidiary Indian company formed and registered before the 1st day of April, 1961; at the rate of 35 per cent on so much of the total income as consists of dividends from any other Indian company formed and registered on or after the 1st day of April, 1959; and at the rate of 30 per cent on the balance of the total income shall be allowed in the case of any Indian company which satisfies condition (a) but not condition (b) of the preceding clause;
- (iii) a rebate at the rate of 45 per cent on so much of the total income as consists of dividends from a subsidiary Indian company formed and registered before the 1st day of April, 1961; at the rate of 35 per cent on so much of the total income as consists of dividends from any other Indian company formed and registered on or after the 1st day of April, 1959; at the rate of 25 per cent on so much of the total income as consists of royalties received from an Indian concern in pursuance of an agreement made by it with the Indian concern on or after the 1st day of April, 1961 and which has been approved by the Central Government in this behalf; and at the rate of 12 per cent on the balance of the total income shall be allowed in the case of any company not entitled to a rebate under either of the preceding clauses;

Provided further that—

- (i) the amount of the rebate under clause (i) or clause

(ii) of the preceding proviso shall be reduced by the sum, if any, equal to the amount or the aggregate of the amounts, as the case may be, computed as hereunder:—

(a) on the aggregate of the sums computed in the manner provided in clause (i) of the second proviso to Paragraph D of Part II of the First Schedule to the Finance Act, 1960 (13 of 1960) as reduced by the amount, if any, which is deemed to have been taken into account, in accordance with clause (ii) of the said proviso, for the purpose of reducing the rebate mentioned in clause (i) of the said proviso to nil; and at the rate of 100%

(b) on the amount representing the face value of any bonus shares or the amount of any bonus issued to its shareholders during the previous year with a view to increasing the paid-up capital; at the rate of 12½%

(ii) where the sum arrived at in accordance with clause (i) of this proviso exceeds the amount of the rebate arrived at in accordance with clause (i) or clause (ii), as the case may be, of the preceding proviso, only so much of the amounts of reduction mentioned in sub-clauses (a) and (b) of clause (i) of this proviso as is sufficient, in that order, to reduce the rebate to nil shall be deemed to have been taken into account for the purpose:

Provided further that the super-tax payable by a company, the total income of which exceeds rupees twenty-five thousand, shall not exceed the aggregate of—

(a) the super-tax which would have been payable by the company if its total income had been rupees twenty-five thousand; and

(b) half the amount by which its total income exceeds rupees twenty-five thousand.

Explanation.—For the purposes of this Paragraph, where any portion of the profits and gains of a company is not included in its total income by reason of such portion being agricultural income, the amount representing the face value of any bonus shares and the amount of any bonus issued to its shareholders shall each be deemed to be such proportion thereof as the average of the total income of the company in the five previous years in which the company has been in receipt of taxable income immediately preceding the relevant previous year bears to the average of its total profits and gains (excluding capital receipts) for the preceding five years aforesaid, reduced by such allowances as may be admissible under the Income-tax Act which have not been taken into account by the company in its profit and loss accounts for the preceding five years aforesaid.

Paragraph E

In the case of the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (31 of 1956),—

Rate of super-tax

On the whole of its profits and gains from life insurance business .. 22.5%

PART III

Rates for deduction of tax under section 18 of the Income-tax Act at the prescribed rates

In every case in which under the provisions of section 18 of the Income-tax Act, tax is to be deducted at the prescribed rates, deduction shall be made from the income subject to deduction at the following rates:—

Rate of income-tax	Income-tax		Super-tax	
	Rates of surcharges	Special surcharge	Rate of super-tax	Rates of surcharges
	Surcharge for purposes of the Union	of charge		

1. In the case of a person other than a company—

(a) in every case, on the whole income (excluding interest payable on any security of the Central Government issued or declared to be income-tax free), and 25% 1.25% 3.75%

(b) in addition, where the person is one whom the person responsible for paying the income has no reason to believe to be resident in the taxable territories on the whole income.

Super-tax and surcharges on super-tax in accordance with the provisions of clause (b) of sub-section (1) of section 17 of the Income tax Act.

2. In the case of a company—

(a) in every case—

(i) on the whole income (excluding interest payable on any security of the Central Government issued or declared to be income-tax free); and 20%

(ii) on the whole income (excluding dividends payable by an Indian company referred to in section 56A of the Income-tax Act); and 10%

(b) in addition, where the company is neither an Indian company nor a company which has made the prescribed arrangements for the declaration and payment of dividends within India, —

(i) on the income from dividends (excluding dividends payable by an Indian company referred to in section 56A of the Income-tax Act)—

(1) on dividends payable by any of its subsidiary Indian companies formed and registered before the 1st day of April, 1961 Nil

(2) on dividends payable by any other Indian company formed and registered on or after the 1st day of April, 1959 .. 10%

(3) on any other dividends .. 33%

(ii) on the income from royalties payable by an Indian concern in pursuance of an agreement which is made by it with the Indian concern on or after the 1st day of April, 1961 and which has been approved by the Central Government in this behalf .. 20%

(iii) on any other income, not being income from dividends .. 33%

THE SECOND SCHEDULE

(See section 11)

PART I

In the First Schedule to the Tariff Act, —

(i) in Item No. 8(2), for the entries in the fourth and sixth columns, the entries “50 per cent *ad valorem*” and “40 per cent *ad valorem*”, respectively, shall be substituted;

- (ii) in Item No. 9 (3), for the entries in the fourth and sixth columns, the entries "100 per cent. *ad valorem*", and "92½ per cent *ad valorem*", respectively, shall be substituted;
- (iii) in Item No. 9(5), for the entries in the fourth and sixth columns, the entries "Rs. 3.07 per kilogram" and "Rs. 3.00 per kilogram", respectively, shall be substituted;
- (iv) in Item No. 12 (4), in the third column, the word "Revenue" shall be inserted, and for the entry in the fourth column, the entry "50 per cent *ad valorem*" shall be substituted;
- (v) in Item No. 22(3) for the entries in the fourth column against sub-items (a) and (b), the entries "Rs. 23.50 per litre" and "Rs. 14.70 per litre", respectively, shall be substituted;
- (vi) in Item No. 22 (4), -
- (1) for the entry in the fourth column against sub-item (a), the entry "Rs. 44.00 per litre of the strength of London proof or 170 per cent. *ad valorem*, whichever is higher" shall be substituted;
 - (2) for the entry in the fourth column against sub-item (b) (i), the entry "Rs. 58.70 per litre or 170 per cent *ad valorem*, whichever is higher, plus the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty" shall be substituted;
 - (3) for the entry in the fourth column against sub-item (b) (ii), the entry "Rs. 44.00 per litre of the strength of London proof or 170 per cent *ad valorem*, whichever is higher, plus the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty" shall be substituted;
- (vii) in Items Nos. 22 (5)(b) (i) and 22(5) (b) (ii), in each of the entries in the fourth, fifth and sixth columns, the words "plus the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty" shall be added at the end;
- (viii) in Item No. 24 (3), for the entries in the fourth and sixth columns, the entry "Rs. 33.00 per kilogram" shall be substituted;
- (ix) in Item No. 28A, in each of the entries in the fourth, fifth and sixth columns, the words "plus the excise duty for the time being leviable on like articles produced or manufactured in India, and where such duty is leviable at different rates, the highest duty" shall be added at the end;
- (x) in Items Nos. 28 (3) and 39, for the entry against each of them in the fourth column, the entry "10 per cent *ad valorem*" shall be substituted;
- (xi) in Items Nos. 28 (4), 28 (14), 28 (30), 28 (34), 30 (1), 30(13), 30(15), 30(16), 47(3), 47(4), 47 (5), 47 (6), 48 (3), 48 (7), 48 (8), 48 (9) and 70 (1), in the entry or entries against each of them in the fourth column, the words "plus the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty" shall be added at the end;
- (xii) in Items Nos. 28 (8) and 66 (b), for the entry against each of them in the fourth column, the entry "50 per cent *ad valorem*, plus the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty" shall be substituted;
- (xiii) in Item No. 30, for the figures "40" and "30" in the fourth and fifth columns, the figures "50" and "40", respectively, shall be substituted;
- (xiv) in Items Nos. 31, 31 (2), 31(3), 45(b), 45(c) and 71(b), for the entry against each of them in the fourth column, the entry "75 per cent *ad valorem*", shall be substituted;
- (xv) in Item No. 31 (1), for the entries in the fourth and sixth columns, the entries "75 per cent *ad valorem*" and "65 per cent *ad valorem*" respectively, shall be substituted;
- (xvi) in Items Nos. 39 (1), 39(2), 39(3), 40, 63(28) and 87, for the entry against each of them in the fourth column, the entry "50 per cent *ad valorem*", shall be substituted;
- (xvii) in Item No. 44, for the figures "40" in the fourth column, the figures "50" shall be substituted;
- (xviii) in Items Nos. 45(a), 53, 80 and 81, for the entry against each of them in the fourth column, the entry "100 per cent *ad valorem*", shall be substituted;
- (xix) in Items Nos. 72, 72(1), 72(2) and 72(3), for the entry against each of them in the fourth column, the entry "15 per cent. *ad valorem*" shall be substituted;
- (xx) in Items Nos. 73, 73(1) and 77, for the entries against each of them in the fourth and fifth columns, the entries "50 per cent *ad valorem*", and "40 per cent *ad valorem*", respectively, shall be substituted;
- (xxi) in Items Nos. 73(21), 73(22) and 75(19), for the entry against each of them in the fourth column, the following entry shall be substituted, namely:—
"The excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty; and the duty so leviable shall be in addition to the duty which would have been levied if this entry had not been inserted.";
- (xxii) in Items Nos. 74(2) and 74(3), for the entry against each of them in the fourth column, the entry "25 per cent *ad valorem*" shall be substituted; and
- (xxiii) in Item No. 75(1), for the figures "75" in the fourth column, the figures "100" shall be substituted.

PART II

Item No.	Name of Article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		Duration of protective rates of duty
				The United Kingdom	A British Colony	
1	2	3	4	5	6	7
In the First Schedule to the Tariff Act.—						
(i) after Item No. 12(4) the following Item shall be inserted, namely:—						
"12(4A) Malt		Revenue	100 per cent <i>ad valorem</i>	..	..	..";

1	2	3	4	5	6	7
(ii) after Item No. 59(6), the following Item shall be inserted, namely:—						
"59(7)	Chinaware and Porcelainware, all sorts,— (1) Tableware (2) Sanitaryware (3) Glazed tiles (4) Not otherwise specified	Revenue	The excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty; and the duty so leviable shall be in addition to the duty which would have been levied if this entry had not been inserted.	..	..	..
<i>Explanation.</i> —'Chinaware' includes all glazed clayware but does not include terracotta.						
(iii) after Item No. 60(8), the following Item shall be inserted, namely:—						
"60(9)	Glass and glassware — (1) Sheet glass and Plate glass (2) Laboratory glassware (3) Glass shells, glass globes and chimneys for lamps and lanterns (4) Other glassware including tableware	Revenue	The excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty; and the duty so leviable shall be in addition to the duty which would have been levied if this entry had not been inserted.	..	..	..
(iv) after Item No. 63(14), the following Item shall be inserted, namely:—						
"63(14A)	High carbon steel strips of thickness .5 mm or below.	Preferential Revenue.	50 per cent <i>ad valorem</i>	40 per cent <i>ad valorem</i>.	..	..
(v) after Item No. 64(5) the following Item shall be inserted, namely:—						
"64(6)	Copper and copper alloys containing not less than fifty per cent by weight of copper— (1) Manufactures, the following, namely, plates, sheets, circles, strips and foils in any form or size. (2) Pipes and tubes.	Revenue	The excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty; and the duty so leviable shall be in addition to the duty which would have been levied if this entry had not been inserted.	..	..	..
(vi) after Item No. 68(4), the following Item shall be inserted, namely:—						
68(5)	Zinc— (1) Manufactures, the following, namely, plates, sheets, circles, strips and foils in any form or size. (2) Pipes and tubes	Revenue	The excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty; and the duty so leviable shall be in addition to the duty which would have been levied if this entry had not been inserted.	..	..	..
(vii) after Item No. 72(40), the following Item shall be inserted, namely:—						
"72(41)	Refrigerators and parts thereof, such as are specially designed for use with refrigerators; and air conditioning machinery, all sorts.	Revenue	The excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty; and the duty so leviable shall be in addition to the duty which would have been levied if this entry had not been inserted.	..	..	..
(viii) after Item No. 73(4), the following Item shall be inserted, namely:—						
"73(4A)	Wireless receiving sets, all sorts including transistor sets and radio-grams, with or without loudspeaker.	Revenue	The excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty; and the duty so leviable shall be in addition to the duty which would have been levied if this entry had not been inserted.	..	..	..

1	2	3	4	5	6	7
	(ix) after Item No. 73(22), the following Item shall be inserted, namely :—					
“73(23)	Nichrome and other electrical resistance wires and strips.	Revenue	100 per cent <i>ad valorem</i>	..		
	(x) after Item No. 82(5), the following Item shall be inserted, namely:—					
“82(6) (A)	Plastics, all sorts, namely:—	Revenue	The excise duty for the time being leviable on like articles if produced or manufactured in India and where such duty is leviable at different rates, the highest duty; and the duty so leviable shall be in addition to the duty which would have been levied if this entry had not been inserted.	..		
	(i) Moulding powders, granules and flakes (thermosetting and thermoplastic).					
	(ii) Polyethylene films, layflat tubing and P.V.C. sheet (that is to say, Polyvinyl Chloride sheets).					
	(B) Cellophane, that is, any film or sheet of regenerated cellulose.	Revenue	The excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty; and the duty so leviable shall be in addition to the duty which would have been levied if this entry had not been inserted.	..		

Simla-4, the 20th September, 1963

No. 1-18 62-LR.—The following Acts recently passed by the Parliament of India and published in the Gazette of India, Extraordinary Part II, Section 1, dated the 26th August, 1963 respectively are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public:—

1. The Export (Quality Control and Inspection) Act, 1963 (No. 22 of 1963).
2. The Indian Emigration (Amendment) Act, 1963 (No. 23 of 1963).
5. The Iron Ore Mines Labour Welfare Cess (Amendment) Act, 1963 (No. 24 of 1963).

S. R. MAHANTAN,
Under Secretary (Judicial).

Assented to on 24-8-63

THE EXPORT (QUALITY CONTROL AND INSPECTION) ACT, 1963

(Act No. 22 of 1963)

AN
ACT

to provide for the sound development of the export trade of India through quality control and inspection and for matters connected therewith.

Enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Export (Quality Control and Inspection) Act, 1963.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. *Definitions.*—In this Act, unless the context otherwise requires,—
 - (a) “Council” means the Export Inspection Council established under section 3;
 - (b) “export”, with its grammatical variations and cognate expressions, means taking out of India to a place outside India;
 - (c) “inspection”, in relation to a commodity, means the process of determining whether a batch of goods in that commodity, complies with the standard specifications applicable to it or any other specifications stipulated in the export contract generally by inspecting either the whole batch or a selected sample or samples which purport to represent the whole batch;
 - (d) “notified commodity” means any commodity notified under clause (a) of section 6;
 - (e) “prescribed” means prescribed by rules made under this Act;
 - (f) “quality control” means any activity having for its object the determination of the quality of a commodity (whether during the process of manufacture or production or subsequently) in order to ascertain whether it satisfies the standard specifications applicable to it or any other specifications stipulated in the export contract and whether it may be accepted for purposes of export.

3. *Establishment of Export Inspection Council.*—(1) The Central Government may, by notification in the Official Gazette, establish, with effect from such date as may be specified in the notification, a Council to be known as the Export Inspection Council, which shall consist of—

- (a) a Chairman to be appointed by the Central Government;
- (b) the Director of Inspection and Quality Control, *ex-officio*, who shall be the Secretary;
- (c) the Honorary Adviser on Standardization to the Government of India and Director of Indian Standards Institution, *ex-officio*;
- (d) the Agricultural Marketing Adviser to the Government of India, *ex-officio*;
- (e) the Director-General of Commercial Intelligence and Statistics, *ex-officio*;
- (f) eleven other members nominated by the Central Government three of whom shall be persons representing the agencies referred to in section 7.

(2) The Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property and to contract, and shall by the said name sue and be sued.

(3) The term of office of, and the manner of filling casual vacancies among, the members of the Council referred to in clauses (a) and (f) of sub-section (1) and the travelling and daily allowances payable to the members of the Council and the procedure to be followed in the discharge of its functions by the Council shall be such as may be prescribed.

(4) No act or proceeding of the Council shall be invalidated merely by reasons of any vacancy in, or any defect in the constitution of, the Council.

(5) Subject to such rules as may be made by the Central Government in this behalf, the Council may appoint such officers and other employees as it considers necessary for the purpose of discharging its functions under this Act.

4. *Director of Inspection and Quality Control.*—The Central Government shall appoint a Director of Inspection and Quality Control to exercise such powers and perform such duties under this Act as may be prescribed.

5. *Functions of the Council.*—(1) The functions of the Council shall generally be to advise the Central Government regarding measures for the enforcement of quality control and inspection in relation to commodities intended for export and to draw up programmes therefor, to make, with the concurrence of the Central Government, grants-in-aid to the agencies established or recognised under section 7 and to perform such other functions as may be assigned to it by or under this Act.

(2) For the purpose of performing its functions, the Council may co-opt as members such number of persons as it thinks fit who have special knowledge and practical experience in matters relating to any commodity or trade therein and any such person shall have the right to take part in the discussions of the Council but shall not have the right to vote and shall not be a member for any other purpose.

(3) The Council may also constitute specialist committees for conducting investigations on special problems connected with its functions.

(4) In the performance of its functions under this Act, the Council shall be bound by such directions as the Central Government may give to it in writing from time to time.

6. *Powers of the Central Government in regard to quality control and inspection.*—If the Central Government, after consulting the Council, is of opinion that it is necessary or expedient so to do for the development of the export trade of India, it may, by order published in the Official Gazette,—

- notify commodities which shall be subject to quality control or inspection or both prior to export;
- specify the type of quality control or inspection which will be applied to a notified commodity;
- establish, adopt or recognise one or more standard specifications for a notified commodity;
- prohibit the export in the course of international trade of a notified commodity unless it is accompanied by a certificate issued under section 7 that the commodity satisfies the conditions relating to quality control or inspection, or it has affixed or applied to it a mark or seal recognised by the Central Government as indicating that it conforms to the standard specifications applicable to it under clause (c).

7. *Machinery for quality control and inspection.*—(1) The Central Government may, by notification in the Official Gazette, establish, or recognise subject to such conditions as it may deem fit, agencies for quality control or inspection or both:

Provided that if the Central Government is of opinion that any recognition granted to any agency under this sub-section should, in the public interest, be withdrawn, the Central Government may, after giving a reasonable opportunity to that agency to make representations in the matter, withdraw, by like notification, the recognition granted to it.

(2) Any agency referred to in sub-section (1) may, on application made to it or otherwise, hold or cause to be held such examination as it thinks fit relating to quality control or inspection of notified commodities, either at the time of export or earlier, in such testing houses or by such surveyors or samplers as are approved by the Central Government in this behalf and may charge such fees as may be prescribed for the purpose of such examination.

(3) If after the examination, the agency is of opinion that the commodity satisfies the standard specifications laid down in respect of it under section 6 or, as the case may be, any other specifications stipulated in the export contract, it may issue a certificate that the commodity satisfies the conditions relating to quality control and inspection.

(4) Any person aggrieved by the refusal of any agency referred to in sub-section (1) to issue a certificate may prefer an appeal within such time as may be prescribed to such authority as the Central Government may, by notification in the Official Gazette, constitute for the purpose of hearing appeals.

(5) Subject to the provisions of sub-section (6), the decision of the agency where no appeal is filed, and the decision of the appellate authority where an appeal is filed, shall be final and shall not be questioned in any court of law.

(6) The Central Government may, at any time, call for and examine the record of any proceeding relating to any decision of an agency or appellate authority under this section for the purpose of satisfying itself as to the legality or propriety of such decision and may pass such order thereon as it thinks fit.

8. *Power to recognise or establish marks to denote conformity with standard specifications.*—(1) The Central Government may, by notification in the Official Gazette, recognise or establish any mark or seal in relation to a notified commodity for the purpose of denoting that such commodity conforms to a standard specification applicable to it.

(2) Any such mark or seal affixed or applied to a notified commodity or to any covering containing, or label attached to, such commodity shall be deemed to be evidence of the commodity being in conformity with the standard specifications applicable to it under this Act:

Provided that nothing in this sub-section shall prevent any officer of customs from examining any consignment of a notified commodity intended for export if he has reason to believe that the seal or mark is not genuine or has been affixed or applied fraudulently or if such an examination is necessary for the purpose of any other law for the time being in force.

9. *Power to obtain information from exporters, etc.*—The Central Government or any officer or authority authorised by it in this behalf may, by notice published in the Official Gazette, require—

- persons manufacturing, dealing in or exporting notified commodity; and
- such other persons as may be prescribed, to furnish any information, return or report which the Central Government or such officer or authority may consider necessary for carrying out the purposes of this Act.

10. *Finance, accounts and audit.*—(1) For the purpose of enabling the Council to discharge its functions under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Council such sums of money as that Government considers necessary by way of grants, loans or otherwise.

(2) For the purpose of discharging its functions under this Act, the Council may receive grants or donations from bodies and institutions approved by the Central Government in this behalf.

(3) The Council shall have its own fund to which shall be credited the sums of money referred to in sub-sections (1) and (2) and the moneys in the fund shall be applied for—

- meeting the pay and allowances of the officers and other employees of the Council and other administrative expenses of the Council;
- carrying out the functions of the Council under this Act.

(4) The Council shall prepare, before the commencement of each financial year, a statement of programme of its activities during that year as well as a financial estimate in respect thereof.

(5) A statement prepared under sub-section (4) shall not later than three months before the commencement of each financial year, be submitted for approval to the Central Government.

(6) The Council shall maintain such accounts and prepare the balance-sheet in such form as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.

(7) The accounts of the Council shall be audited in such manner and at such times, as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.

11. *Penalty.*—(1) If any person contravenes any order under clause (d) of section 6, or fraudulently obtains a certificate under section 7, or fraudulently affixes or applies any such mark or seal as is referred to in sub-section (1) of section 8, he shall, on conviction, be punishable—

- for the first offence, with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both;
- for the second or subsequent offence, with imprisonment for a term which may extend to two years and also with fine which may extend to five thousand rupees and in the absence of special and adequate reasons to be maintained in the judgement of the court, such imprisonment shall not be less than three months.

(2) Any person who attempts to commit or abets the commission of an offence punishable under sub-section (1) shall be deemed to have committed such offence.

(3) If any person contravenes or attempts to contravene or abets the contravention of any other provision of this Act or any rules or orders made thereunder, he shall be punishable with fine which may extend to one thousand rupees.

12. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

- “company” means a body corporate and includes a firm or other association of individuals; and
- “director”, in relation to a firm, means a partner in the firm.

13. *Delegation of powers.*—The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by—

- the Council;
- such officer or authority subordinate to the Central Government, or such State Government or such officer or authority subordinate to a State Government as may be specified in the direction.

14. *Procedure for prosecution.*—No prosecution for an offence punishable under this Act shall be instituted except by or with the

consent of an officer authorised by the Central Government by general or special order in this behalf.

15. *Officers and employees of agency to be public servants.* All officers and employees of the Council or of any agency established or recognised under sub-section (1) of section 7 and all surveyors, samplers, and employees of testing houses, referred to in sub-section (2) of that section shall, while acting or purporting to act in pursuance of the provisions of this Act or any rule or order made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

16. *Protection of action taken in good faith.* (1) No suit, prosecution or other legal proceeding shall lie against the Council or any officer or employee of the Government or the Council or any agency referred to in sub-section (1) of section 7 for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

17. *Power to make rules.* (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for

- (a) the travelling and daily allowances payable to members of the Council, persons co-opted under sub-section (2) of section 5, and members of specialist committees referred to in sub-section (3) of that section;
- (b) the functions of the Council and the procedure to be followed by it;
- (c) the appointment of officers and other employees of the Council;
- (d) the procedure to be followed for various types of quality control and inspection;
- (e) the conditions which a testing house, surveyor or sampler should satisfy for purposes of approval by the Central Government;
- (f) the fees chargeable for purposes of examination and issue of certificates under section 7;
- (g) the filing of appeals under section 7 and the fees payable therefor;
- (h) the manner in which the accounts of the Council shall be maintained and audited;
- (i) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

18. *Act to override other enactments.*—As from the date on which a commodity is notified under clause (a) of section 6, the provisions of this Act or anything done or any action taken thereunder shall have effect in relation to that commodity notwithstanding any provisions (relating to quality control and inspection prior to export of such commodity) contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

Assented to on 24-8-63

THE INDIAN EMIGRATION (AMENDMENT) ACT, 1963 (ACT No. 23 of 1963)

AN
ACT

further to amend the Indian Emigration Act, 1922

Enacted by Parliament in the Fourteenth Year of the Republic of India as follows:

1. *Short title and commencement.* (1) This Act may be called the Indian Emigration (Amendment) Act, 1963.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Addition of references to airport.*—Throughout the Indian Emigration Act, 1922 (7 of 1922), (hereinafter referred to as the principal Act), unless otherwise expressly stated, after the word "port" as used in the proviso to clause (cc) of sub-section (1) of section 2, the words "or airport" shall be inserted.

3. *Amendment of section 1.*—In section 1 of the principal Act, in sub-section (1), the word "Indian" shall be omitted.

4. *Amendment of section 2.*—In sub-section (1) of section 2 of the principal Act,—

(i) clause (a) shall be re-lettered as clause (aa) and before the clause as so re-lettered, the following clause shall be inserted, namely:—

"(a) "conveyance" includes vessel, a country-craft and an aircraft";

(ii) in clause (c), after the words "by sea", the words "or by air" shall be inserted.

5. *Amendment of section 4.*—In section 4 of the principal Act,—

(i) in clause (c), after the word "vessels", the words "or aircraft" shall be inserted

(ii) in clause (d), after the word "voyage", the words "or journey" shall be inserted;

(iii) in clause (f), after the words "by sea", the words "or by air" shall be inserted.

6. *Amendment of section 9.*—In section 9 of the principal Act, in sub-section (1), for the words "such other ports" and "ports from which", the words "such other ports and such airports" and "ports and airports from which" shall respectively be substituted.

7. *Amendment of section 15.*—In section 15 of the principal Act, after the words "such other ports", the words "and airports" shall be inserted.

8. *Amendment of section 16.*—In section 16 of the principal Act, in sub-section (1), in clause (c), after the word "voyage", the words "or journey" shall be inserted.

9. *Omission of section 22.*—Section 22 of the principal Act shall be omitted.

10. *Amendment of section 24.*—In section 24 of the principal Act,—

(i) in sub-section (2), in clause (1), after the words "emigrant ship", the words "or a journey on an aircraft" shall be inserted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

11. *Amendment of section 25.*—In section 25 of the principal Act,—

(i) in sub-section (1), for the words "with fine which may extend to fifty rupees.", the words "with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both." shall be substituted;

(ii) in sub-section (2),—

(a) in clause (c), after the words "by sea", the words "or by air" shall be inserted;

(b) for the words "with fine, which may extend to five hundred rupees.", the following shall be substituted, namely:—

"with imprisonment which may extend to two years and with fine;

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the court, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees."

12. *Amendment of section 26.*—In section 26 of the principal Act, for the words "with imprisonment for a term which may extend to one year, or with fine, or with both", the following shall be substituted, namely:—

"with imprisonment for a term which may extend to three years and with fine;

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees."

13. *Amendment of section 27.*—In section 27 of the principal Act, for the words "with imprisonment for a term which may extend to six months, or with fine, which may extend to five hundred rupees,

or with both.", the following shall be substituted, namely:—

"with imprisonment for a term which may extend to three years and with fine:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the court, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees."

14. *Insertion of sections 27A, 27B and 27C.*—After section 27 of the principal Act, the following sections shall be inserted, namely:—

"27A. *Punishment for second or subsequent offences.*—In the event of a second or subsequent offence under any of the following provisions, namely, sub-section (1) or sub-section (2) of section 25, section 26, section 27 or sub-section (4) of section 30A, a person shall be punishable with imprisonment which may extend to four years and with fine:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the court, such imprisonment shall not be less than nine months and such fine shall not be less than one thousand rupees.

27B. *Confiscation of conveyance used for committing offence against Act.*—In any case in which an offence has been committed against this Act, any conveyance used in the commission of such offence shall be liable to confiscation

27C. *Confiscation how ordered.*—(1) When the offender is convicted or when the person charged with an offence against this Act is discharged or acquitted, and the court decides that any conveyance is liable to confiscation, such confiscation may be ordered by the court.

(2) When an offence against this Act has been committed but the offender is not known or cannot be found and any conveyance is used in the commission of such offence, or when any conveyance liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, the case shall be enquired into and determined by such officer as may be authorised by the Central Government in this behalf, who may on seizure thereof, order such confiscation:

Provided that no such order of confiscation shall be made until the expiration of thirty days from the date of seizure of the conveyance intended to be confiscated or without hearing the persons, if any, claiming any right thereto and evidence, if any, which they produce in support of their claims."

15. *Amendment of section 29.*—In section 29 of the principal Act,—
(i) for the words "officers of sea-customs", the words "officers of customs" shall be substituted;
(ii) after the word "vessels", the words "or aircraft or any other conveyance" shall be inserted.

16. *Amendment of section 30A.*—In section 30A of the principal Act,—

- (i) in sub-section (1), after the words "by sea", the words "or by air" shall be inserted;
- (ii) in sub-section (4), for the words, brackets and figures "sub-section (1) of section 25", the words, brackets and figures "sub-section (2) of section 25" shall be substituted.

17. *Amendment of section 31.*—In section 31 of the principal Act,—

- (i) for clause (i), the following clause shall be substituted, namely:—
"(i) any person who is not a citizen of India, or";
- (ii) in clause (ii), for the words and figures "the Indian Army Act, 1911" (8 of 1911), the words and figures "the Air Force Act, 1950 (45 of 1950) or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957" (62 of 1957), shall be substituted.

Assented to on 24-8-63.

THE IRON ORE MINES LABOUR WELFARE CESS AMENDMENT) ACT, 1963

(ACT No. 24 OF 1963)

AN
ACT

to amend the Iron Ore Mines Labour Welfare Cess Act, 1961.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Iron Ore Mines Labour Welfare Cess (Amendment) Act, 1963.

2. *Amendment of section 1.*—In section 1 of the Iron Ore Mines Labour Welfare Cess Act, 1961 (58 of 1961), for sub-section (3), the following sub-section shall be substituted, namely:—

- "(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States."